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THE  
Perogative of Parliaments in  
*ENGLAND.*

PROVED  
IN A DIALOGVE BE-  
TVVEENE A COVN-  
SELLOVR OF STATE,  
AND A IVSTICE OF  
PEACE;

---

*Written by the worthy Knight, Sir WALTER*  
RABEIGH.

---

Dedicated to the KINGS Majesty, and to  
*the House of Parliament now assembled.*

*Preserved to be now happily*  
*(in these distracted Times)*  
*Published.*

AND  
Printed 1640.

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## To the KING.

Most gracious Sovereigne :



Those that are sup-  
prest and helpelesse  
are commonly silent  
wishing that the  
common ill in al sort  
might be with their  
particular misfor-  
tunes: which dispo-  
sition, as it is un-  
charitable in all  
men, so would it be  
in me more dogge-like then man-like, to bite the  
stone that strooke me : (to wit) the borrowed au-  
thority of my Sovereigne misinformed, seeing their  
armes and hands that flang it, are most of them al-  
ready rotten. For I must confesse it ever, that they  
are debts, and not discontentments, that your Ma-  
iesty hath laid upon me; the debts and obligation of  
a friendlesse aduersity, farre more payable in all  
Kinds, then those of the prosperous : All which, nor

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th,

the least of them, though I cannot discharge, I may yet endeavour it.

And notwithstanding my restraint hath re-  
wrenched all wayes, as well the wayes of labour and  
will, as of all other imployments, yet hath it left  
with me my cogitations, then which I haue nothing  
else to offer on the Altar of my Love.

Of those (most gracious Soveraigne) I haue used  
some part in the following dispute, betweene a Coun-  
sellour of Estate, and a Iustice of Peace, the one dis-  
swading, the other perswading the calling of a Par-  
liament. In ail which, since the Norman Conquest  
(at the least so many, as Histories haue gathered) I  
haue in somethings in the following Dialogue pre-  
sented your Maiestie with the contentions and suc-  
cesses.

Some things there are, and those of the greatest,  
which because they ought first to be resolved on, I  
thought fit to range them in the front of the rest, to  
the end your Maiesty may be pleased to examine  
your owne great and Princely heart of their accep-  
tance, or refusall.

The first is, that supposition, that your Maie-  
sties Subiects giue nothing but with adiuuction of  
their owne interests, interlacing in one & the same  
as your Maiesties reliefe, and their own liberties,  
not that your Maiesties piety was euer suspected.  
but because the best Princes are euer the the least iea-  
lous, your Maiestie iudging others by your selfe,  
who haue abused your Maiesties trust. The fear'd  
continuance of the like abuse may perswade the pro-  
uision

vision. But this caution, how euer it seemeth at first sight, your Maiesty shall perceiue by many examples following but frivolous. The bonds of Subjects to their Kings should alwayes be wrought out of Iron the bonds of Kings vnto Subjects but with Cobwebs.

This ~~it is~~ (most renowned Soveraigne) that this trafficke of assurances hath beene often urged, of which, if the Conditions had beene easie, our Kings have as easily kept them; if hard and preiudiciall, either to their honours or estates, the Creditours haue beene paid their debts with their owne presumption.

For all binding of a King by Law vpon the advantage of his necessity, makes the breath it selfe lawfull in a King, His Charters and all other instruments being no other then the suruiuing witnesses of unconstrained will: Princeps non subijcitur nisi sua voluntate libera, mero motu & certa Scientia: Necessary words in all the grants of a King witnessing that the same grants were given freely and knowingly.

The second resolution will rest in your Maiesty, leaving the new impositions, all Monopolies, and other grievances of the people to the consideration of the House. Provided, that your Maiesties revenue be not abated, which if your Maiesty shall refuse, it is thought that the disputes will last long, and the issues will be doubtful: And on the contrary if your Maiesty vouchsafe it, it may perchance be filed a yeelding, which seemeth by the sound to braue the Regality.

But (most excellent Prince) what other is it to  
th' eares of the Wise, but as the sound of a trumpet,  
hauing blasted forth a false Alarme, becomes but  
common ayre? Shall the head yeeld to the feete?  
certainly it ought, when they are grieued, for wis-  
dome will rather regard the commodity, then obiect  
the disgrace, seeing if the feet lye in fetters, the  
head cannot be freed, and where the feet feeble but  
their owne paines, the head doth not onely suffer by  
participation, but withall by consideration of the  
evill.

Certainly the point of honour well weighed hath  
nothing in it to even the ballance, for by your Ma-  
iesties favour, your Majesty doth not yeeld either to  
any person, or to any power, but to a dispute onely, in  
which the Proposition and Minor proue nothing  
without a conclusiō, which no other person or power  
can make, but a Majesty: yea, this in Henry the  
third his time was called a wisdom incomparable.  
For, the King raised againe, recovery his authority:  
For, being in that extremity as he was driven with  
the Queene and his Children, Cum Abbatibus &  
Prioribus satis humilibus hospitia quætere &  
prandia: For the rest, may it please your Maiesty  
to consider that there can nothing befall your Ma-  
iesty in matters of affaires more unfortunately then  
the summons of Parliament, with ill successe: A  
dishonour so perswasive and adventurous as it will  
not onely find arguments; but it will take the lea-  
ding of all enemies that shall offer themselves a-  
gainst your Maiesties estate.

Le Tabourin de la paurete ne faiet point de  
brenet : of which dangerous disease in Princes, the  
remedy doth chiefly consist in the loue of the people,  
which how it may be had and held, no man knowes  
better then your Maiesly; how to loose it, all men  
know, and know that it is lost by nothing more then  
by the defence of others in wrong doing. The onely  
motiues of mischances that euer came to Kings of  
this Land since the Conquest.

It is onely loue (most renowned Soveraigne) must  
prepare the way for your Maiesties following desires.  
It is loue which obeyes, which suffers, which giues,  
which sticks at nothing: which Love, as well of  
your Maiesties people, as the love of God to your  
Maiesly, that it may alwayes hold shall be the con-  
tinuall prayers of your Maiesties most humble  
vassall,

Walter Ralegh.







A  
DIALOGVE BE-  
TVVEENE A COVN.  
SELLOVR OF STATE,  
AND A IVSTICE OF  
PEACE:

COVNSELLOVR, **N**OW Sir, what think you of M.  
S. *Johns* tryall in Star-Chambers?  
I know that the bruit ranne that  
he was hardly dealt withall, be-  
cause he was imprisoned in the Towre, seeing his dissuasion  
from granting a Benevolence to the King was warranted by  
the Law.

IVSTICE. Surely Sir it was made manifest at the hea-  
ring, that M. S. *John* was rather in love with his own letter;  
he confessed he had seene your Lordships letter, before hee  
wrote his to the Maior of *Marleborough*, and in your Lord-  
ships letter there was not a word whereto the Statutes by  
M<sup>r</sup>. S<sup>r</sup>. *John* alledged, had reference; for those Statutes did  
condemne the gathering of money from the Subject, vnder  
title of a free gift; whereas a fift, a sixt, a tenth, &c. was set  
downe and required. But my good Lord, though divers  
Shires haue giuen to his Majestie, some more, some lesse,  
what is this to the Kings debt?

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COVNS.

COVNS. Wee know it well enough, but we haue many other projects,

Ivst. It is true my good Lord : but your Lordship will find, that when by these you have drawn many petty summs from the subjects, & those sometimes spent as fast as they are gathered, his Majesty being nothing enabled thereby, when you shalbe forced to demand your *great aide*, the countrey will excuse it selfe in regard of their former payments.

COVNS. What meane you by the *great aide* ?

Ivst. I meane the aide of Parliament.

COVNS. By Parliament, I would faine know the man that durst perswade the King vnto it, for if it should succeed ill, in what case were he ?

Ivst. You say well for your selfe my Lord, and perchance you that are lovers of your selves (vnder pardon) do follow the advice of the late Duke of *Alva*, who was euer opposite to all resolutions in businesse of importance ; for if the things enterprised succeeded well, the advice never came in question: if ill, (whereto great vndertakings are commonly subject) he then made his advantage by remembering his countrey counsell : But my good Lord, these reserued Politicians are not the best servants, for he that is bound to adventure his life for his Master, is also bound to adventure his advice, *Keepe not backe counsell* (saith *Ecclesiasticus*) *when it may doe good.*

COVNS. But Sir, I speake it not in other respect then I think it dangerous for the King to assemble the three estates for thereby haue our former Kings alwayes lost somewhat of their *perogatives*. And because that you shall not thinke that I speake it at randome, I will begin with elder times, where in the first contention began betwixt the Kings of this land and their subjects in Parliament.

Ivst. Your Lordship shall doe me a singular favour.

COVNS. You know that the Kings of England had no formal Parliament till about the 18. yeare of *Hen.* the first, for in his 17 yeare, for the marriage of his Daughter, the King raised a tax vpon every hide of land by the advice of his pri-

vy councill alone. But you may remember how the subjects soone after the establishment of this Parliament, beganne to stand vpon termes with the King, and drew from him by strong hand and the sword the *great Charter*.

IVST. Your Lordship sayes well, they drew from the King the *great Charter* by the sword, and hereof the Parliament cannot be accused, but the Lords.

COVNS. You say well, but it was after the establishment of the Parliament, and by colour of it, that they had so great daring, for before that time they could not endure to heare of *Sr. Edwards lawes*, but resisted the confirmation in all they could, although by those lawes the Subjects of this Island were no lesse free than any of all *Europe*.

JUST. My good Lord, the reason is manifest; for while the *Normans* & other of the *French* that followed the Conquerour made spoyle of the *English*, they would not endure that any thing but the will of the Conquerour should stand for Law: but after a discent or two when themselves were become *English*, & found themselves beaten with their own rods, they then began to savour the difference between subjection and slavery, & insist vpon the law, *Meum & tuum*, & to be able to say vnto themselves, *hoc fac & vives*: yea that the conquering *English* in *Ireland* did the like, your Lordship knowes it better than I.

COVNS. I thinke you guesse aright: And to the end the subject may know that being a faithfull servant to his Prince he might enjoy his owne life, and paying to his Prince what belongs to a Sovereigne, the remainder was his own to dispose. *Henry* the first to content his Vassals gaue them the *great Charter*, and the *Charter of Forrests*.

IVST. What reason then had *K. Iohn* to deny the confirmation?

COVNS. He did not, but he on the contrary confirmed both the *Charters* with additions, & required the Pope whom he had the made his superior to strengthe him with a *golde bul*.

IVST. But your honour knowes, that it was not long after, that he repented himselfe.

COVNS. It is true, & he had reason so to do, for the Barons

refused to follow him into France, as they ought to haue done, and to say true, this *great Charter* vpon which you insist so much, was not originally granted Regally and freely; for *Henry* the first did vsurpe the Kingdome, and therefore the better to assure himselfe against *Robert* his eldest Brother, hee flattered the Nobility and people with those *Charters*. Yea King *John* that confirmed them had the like respect, for *Arthur* Duke of *Britain*, was the vndoubted heire of the Crowne, vpon whom *John* vsurped. And so to conclude, these Charters had their originall from Kings *de facto* but not *de jure*.

IVST. But King *John* confirmed the *Charter* after the death of his Nephew *Arthur*, when he was then *Rex de iure* also.

COVNS. It is true, for he durst doe no other, standing accursed, whereby few or none obeyed him, for his Nobility refused to follow him into *Scotland*, and he had so grieved the people by pulling downe all the Parke pales before harvest, to the end his Deere might spoyle the corne; And by seizing the temporalities of so many Bishopricks into his hands, and chiefly for practising the death of the Duke of *Britaine* his Nephew, as also having lost *Normandy* to the French, so as the hearts of all men wereturned from him.

IVST. Nay by your favour my Lord, King *John* restored *K. Edwards* Lawes after his absolution, and wrote his letters in the 15. of his reigne to all Sheriffes countermanding all former oppressions, yea this he did notwithstanding the Lords refused to follow him into France.

COVNS. Pardon me, he did not restore King *Edwards* Lawes then, nor yet confirmed the Charters, but he promised vpon his absolution to doe both: but after his returne out of *France*, in his 16. yeare he denyed it, because without such a promise he had not obtained restitution, his promise being constrained, and not voluntary.

IVST. But what thinke you? was hee not bound in honour to performe it.

COVNS.

COVNS. Certainly no, for it was determined the case of King *Francis* the first of France, that all promises by him made, whilst he was in the hands of *Charles* the first his enemy, were void, by reason the Judge of honour, which tells vs he durst doe no other.

IUST. But King *John* was not in prison.

COVNS. Yet for all that, restraint is imprisonment, yea, feare it selfe is imprisonment, and the King was subject to both: I know there is nothing more kingly in a king than the performance of his word; but yet of a word freely and voluntarily giuen. Neither was the *Charter* of *Henry* the first so published, that all men might plead it for their advantage but a *Charter* was left (in deposito) in the hands of the Archbishop of *Canterbury* for the time, and so to his successors. *Stephen Langthon*, who was ever a Traytor to the King, produced this *Charter*, and shewed it to the Barons, thereby encouraging them to make warre against the King. Neither was it the old *Charter* simply the Barons sought to haue confirmed, but they presented vnto the King other articles and orders, tending to the alteration of the whole commonwealth, which when the King refused to signe, the Barons presently put themselves into the field, and in rebellious and outrageous fashion sent the King word, except he confirmed them, they would not desist from making warre against him, till he had satisfied them therein. And in conclusion, the king being betrayed of all his Nobility, in effect was forced to grant the *Charter* of *Magna Charta*, and *Charta de Fore. Its*, at such time as he was inuironed with an Army in the Meadows of *Staynes*, which *Charters* being procured by force, Pope *Innocent* afterward disavowed, and threatned to curse the Barons if they submitted not themselves as they ought to their Sovereigne Lord, which when the Lords refused to obey, the King entertained an army of strangers for his owne defence, wherewith having mastered & beaten the Barons, they called in *Lewes* of *France* (a most vnnaturall resolution) to be their King. Neither was *Magna Charta* a law in the 19. of *Henry* the 2<sup>d</sup>. but simply a *Charter* which hee

confirmed in the 21 of his reigne, and made it a law in the 25. according to *Littletons* opinion. Thus much for the beginning of the *Great Charter*, which had first an obscure birth from vsurpation, & was secondly fostered & shewed to the world by rebellion.

IVS R. J cannot deny but that all your Lordship hath said is true; but seeing the *Charters* were afterwards so many times confirmed by Parliament & made lawes, & that there is nothing in them vnequall or prejudicial to the King, doth not your Honour thinke it reason they should be obserued?

COVNS. Yes, and obserued they are in all that the state of a King can permit, for no man is destroyed but by the lawes of the land; no man disseized of his inheritance but by the lawes of the land, imprisoned they are by the prerogative where the King hath cause to suspect their loyalty: for were it otherwise, the King should neuer come to the knowledge of any conspiracy or Treason against his Person or state, and being imprisoned, yet doth not any man suffer death but by the law of the land.

IVS R. But may it please your Lordship, were not *Cornwallis*, *Sharpe*, & *Hoskins* imprisoned, being no suspicion of Treason there?

COVNS. They were. but it cost them nothing.

IVS R. And what got the King by it? for in the conclusion (besides the murmure of the people) *Cornwallis*, *Sharpe*, & *Hoskins* having greatly ouershot themselves, & repented them, a fine of 5 or 600<sup>l</sup>. was laid on his Majesty for their offences, for so much their diet cost his Majesty.

COVNS. I know who gaue the advice, sure I am that it was none of mine: But thus I say, if you consult your memory, you shall find that those Kings which did in their own times confirme the *Magna Charta*, did not onely imprison, but they caused of their Nobility and others to be slaine without hearing or tryall,

IVS R. My good Lord, if you will giue me leaue to speake freely, I say, that they are not well advised that perswade the King not to admit the *Magna Charta* with the former refer-

servations, For as the King can never lose a farthing by it, as I shall prove anon: So except *England* were as *Naples* is, and kept by Garrisons of another Nation, it is imposible for a King of *England* to greaten and enrich himselfe by any way so assuredly, as by the love of his people: For by one rebellion the King hath more losse then by a hundred yeares observance of *Magna Charta*, For therein have our Kings beene forced to compound with Roagues and Rebels, and to pardon them, yea the state of the King, the Monarchie, the Nobility have beene endangered by them.

Covns. Well Sir, let that passe, why should not our Kings raise money as the Kings of *France* doe by their letters and Edicts only? for since the time of *Lewes* the 11. of whom it is said, that he freed the French Kings of their wardship, the French Kings have seldome assembled the states for any contribution.

Ivst. I will tell you why: the strength of *England* doth consist of the people and Yeomanry, the Peasants of *France* have no courage nor armes: In *France* every Village and Burrough hath a castle, which the French call *Chasteau Villain*, every good City hath a good Cittadell, the King hath the Regiments of his guards and his men at armes alwayes in pay; yea the Nobility of *France* in whom the strength of *France* consists, doe alwayes assist the King in those leavies, because themselves being free, they made the same leavies upon their Tennants. But my Lord, if you marke it, *France* was never free in effect from civill warres, and lately it was endangered either to be conquered by the Spaniard, or to be cantonized by the rebellious French themselves, since that freedom of Wardship. But my good Lord, to leave this digression, that wherein I would willingly satisfie your Lordship, is, that the Kings of *England* have neuer received losse by Parliament, or prejudice.

Covns. No Sir, you shall find that the subjects in Parliament have decreed great things to the disadvantage and dishonour of our Kings in former times.

Ivst.

Iust. My good Lord, to avoid confusion, I will make a short repetition of them all, and then your Lordship may object where you see cause; And I doubt not but to give your Lordship satisfaction. In the sixth year of *Henry the 3<sup>d</sup>* there was no dispute, the house gave the King two shillings of every plough land within *England*, and in the end of the same year he had *escuage* paid him (to wit) for every Knights fee two markes in silver. In the fifth year of that King, the Lords demanded the confirmation of the *Great Charter* which the Kings Councell for that time present excused, alleading that those priuiledges, were exhortred by force during the Kings Minoritie, and yet the King was pleased to send forth his writ to the Sheriffes of every county, requiring them to certifie what those liberties were, and how used, and in exchange of the Lords demand, because they pressed him so violently, the king required all the castles & places which the Lords held of his, & had held in the time of his Father, with those Manors and Lordships which they had heeretofore wrested from the Crowne, which at that time (the King being prouided of forces) they durst not deny. In the 14. year he had the 15. peny of all goods giuen him, vpon condition to confirme the great *Charter*: For by reason of the wars in *France*, & the losse of *Rochele*, hee was then enforced to consent to the Lords in all they demanded, in the 10th. of his reigne hee fined the City of *London* at 50000. markes, because they had received *Lewis* of *France*, in the 11. year in the Parliament at *Oxford*, he revoked the great charter, being granted when he was vnder age, & gouerned by the Earle of *Pembroke* and the Bishop of *Winchester*, in this 11. year the Earles of *Cornewall* & *Chester*, Marshall, *Edward* Earle of *Pembroke*, *Gilbert* Earle of *Gloucester*, *Warren*, *Hereford*, *Ferrars*, & *Warwick*, and others rebelled against the King, and constrained him to yeeld vnto them in what they demanded for their particular interest, which rebellion being appeased, he sayled into *France*, & in his 15. year he had a 15<sup>n</sup> of the temporality, & a disme & a halfe of the spirituality, and withall *escuage* of every Knights fee.

COVNS.



COUNS. But what say you to the Parliament of *Westminster* in the 16<sup>th</sup> of the King, where notwithstanding the wars of *France* and his great charge in repulsing the *Welsh* rebels, he was flatly denied the Subsidy demanded.

JUST. I confesse, my Lord, that the house excused themselves by reason of their poverty, and the Lords taking of Armes; in the next yeare it was manifest that the house was practised against the King: And was it not so, my good Lord, thinke you in our two last Parliaments, for in the first even those whom his Majesty trusted most, betrayed him in the union, & in the second there were other of the great ones ran counter. But your Lordship spake of dangers of Parliaments, in this, my Lord, there was a denyall, but there was no danger at all: but to returne where I left, what got the Lords by practizing the house at that time? I say that those that brake this staffe upon the King, were overturned with the counter-buffe, for he resumed all those lands which hee had given in his minority, hee called all his exacting officers to accompt, he found them all faulty, he examined the corruption of other Magistrates, and from all these he drew sufficient money to satisfie his present necessity, whereby he not onely spared his people, but highly contented them with an act of so great Justice: Yea *Hubert* Earle of *Kent*, the chiefe Justice whom hee had most trusted, and most advanced, was found as false to the King as any one of the rest. And for conclusion in the end of that yeare at the assembly of the States at *Lambeth*, the King had the fortieth part of every mans goods given him freely toward his debts, for the people, who the same yeare had refused to give the King any thing, when they saw hee had squeased those sponges of the Commonwealth, they willingly yeelded to give him satisfaction.

COUNS. But I pray you, what became of this *Hubert*, whom the King had favoured above all men, betraying his Majesty as he did.

JUST. There were many that perswaded the King to  
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put him to death, but he could not be drawne to consent, but the King seized upon his estate which was great; yet in the end hee left him a sufficient portion, and gave him his life because hee had done great service in former times: For his Majesty, though hee tooke advantage of his vice, yet hee forgot not to have consideration of his vertue. And upon this occasion it was that the King, betrayed by those whom hee most trusted, entertained strangers, and gave them their offices and the charge of his Castles and strong places in *England*.

COUNS. But the drawing in of those strangers was the cause that *Marshall Earle of Pembroke* moved warre against the King.

JUST. It is true, my good Lord, but hee was soone after slaine in *Ireland*, and his whole masculine race, ten yeares extinguished, though there were five sonnes of them, and *Marshall* being dead, who was the mover and ring-leader of that warr, the King pardoned the rest of the Lords that had assisted *Marshall*,

COUNS. What reason had the King so to doe?

JUST. Because he was perswaded, that they loved his person, & only hated those corrupt Counsellors, that then bare the greatest sway under him, as also because they were the best men of warre hee had, whom if hee destroyed, having warre with the *French*, he had wanted Commanders to have served him.

COUNS. But what reason had the Lords to take armes?

JUST. Because the King entertained the *Poictovins*, were not they the Kings vassals also? Should the *Spaniards* rebell, because the *Spanish* King trusts to the *Neapolitans*, *Portugues*, *Millanoies*, and other nations his vassals, seeing those that are governed by the Vice-royes and deputies, are in policy to be well entertained and to be employed, who would otherwise devise how to free themselves; whereas, being trusted and imployed by their Prince, they entertaine themselves with the hopes that other the Kings vassals doe, if the King had called in the *Spaniards*, or other Nations, not his Subjects,

Subjects, the Nobilitie of *England* had had reason of griefe.

COUN. But what people did ever serve the King of *England* more faithfully then the *Gascoynes* did, even to the last of the conquest of that Duchie?

JUST. Your Lordship sayes well, and I am of that opinion, that if it had pleased the Queen of *Eng.* to have drawn some of the chief of the *Irish* Nobilitie into *Eng.* and by exchange to have made them good free-holders in *Eng.* she had saved above 2 millions of pounds, which were consumed in times of those Rebellions. For what held the great *Gascoigne* firme to the Crowne of *England* (of whom the Duke of *Espernon* married the Inheritrix) but his Earldome of *Kendall* in *England*, whereof the Duke of *Espernon* (in right of his Wife) beares the Title to this day? And to the same end I take it, hath *James* our Sovereign Lord given Lands to divers of the Nobilitie of *Scotland*. And if I were worthy to advise your Lordship, I should thinke that your Lordship should doe the King great service, to put him in mind to prohibite all the *Scottish* Nation to alienate and sell away their inheritance here; for they selling, they not only give cause to the *English* to complaine, that the Treasure of *England* is transported into *Scotland*, but his Majestie is thereby also frustrated of making both Nations one, and of assuring the service and obedience of the *Scots* in future.

COUNS. You say well, for though those of *Scotland* that are advanced and enriched by the Kings Majesties will, no doubt serve him faithfully, yet how their heires and successors, having no inheritance to lose in *England*, may be seduced, is uncertaine. But let us goe on with our Parliament. And what say you to the denyall, in the 26<sup>th</sup> yeare of his reigne, even when the King was invited to come into *France* by the Earle of *March*, who had married his Mother, and who promised to assist the King in the conquest of many places lost?

JUST. It is true, my good Lord, that a subsidie was then denied, & the reasons are delivered in *English* histories, and indeed the King not long before had spent much Treasure in aiding

the Duke of *Britaine* to no purpose; for he drew over the King but to draw on good conditions for himselfe, as the Earle of *March* his father in law now did: As the *English* Barons did invite *Lewes* of *France* not long before, as in elder times all the Kings and States had done, and in late yeares the Leaguers of *France* entertained the *Spaniards*, and the *French* Protestants and Netherlands, *Queene Elizabeth*, not with any purpose to greaten those that ayde them, but to purchase to themselves an advantageous peace. But what say the Histories to this denyall? They say, with a world of payments there mentioned, that the King had drawne the Nobilitie drie. And besides, that whereas not long before great summes of money were given, and the same appointed to be kept in foure Castles, and not to be expended but by the advice of the Peeres; it was beleevd, that the same Treasure was yet unspent.

COUNS. Good Sir you have said enough; judge you whether it were not a dishonour to the King to be so tyed, as not to expend his Treasure but by other mens advice, as it were by their licence.

JUST. Surely, my Lord, the King was well advised to take the money upon any condition, and they were fooles that propounded the restraint; for it doth not appeare, that the King tooke any great heed to those overseers: *Kings are bound by their pietie, and by no other obligation.* In *Queene Maries* time, when it was thought that shee was with Child; it was propounded in Parliament, that the rule of the Realme should be given to King *Philip*, during the minoritie of the hoped Prince or Princeesse; and the King offered his assurance in great summes of money, to relinquish the Government at such time as the Prince or Princeesse should be of age: At which motion, when all else were silent in the House, Lord *Dacres* (who was none of the wisest) asked who shall sue the Kings Bonds? which ended the dispute, (for what Bond is betweene a King and his vassals, then the Bond of the Kings Faith?) But, my good Lord, the King, notwithstanding the denyall at that time,

was

was with gifts from particular persons, & otherwise, supplied for proceeding of his journey for that time into *France*; he tooke with him 30 Caskes filled with Silver and Coyne, which was a great Treasure in those dayes. And lastly, notwithstanding the first denyall, in the Kings absence he had Escuage granted him (to wit) 20<sup>s</sup> of every Knights Fee.

COUNS. What say you then to the 28<sup>th</sup> yeare of that King, in which when the King demanded reliefe, the States would not consent, except the same former order had bin taken for the appointing of 4 overseers for the treasure: as also that the Lord chief Justice & the L. Chancellor should be chosen by the States, with some Barons of the Exchequer & other officers.

JUST. My good Lord, admit the King had yeilded their demands, then whatsoever had beene ordained by those Magistrates to the dislike of the Common-wealth, the people had beene without remedie, whereas while the King made them, they had their appeale and other remedies. But those demands vanished, and in the end the King had escuage given him, without any of their conditions. It is an excellent vertue in a King to have patience, and to give way to the furie of mens passions. The Whale when he is stricken by the fisherman; growes into that furie, that he cannot be resisted, but will overthrow all the Ships and Barkes that come into his way; but when he hath tumbled a while, he is drawne to the shore with a twind thred.

COUNS. What say you then to the Parliament in the 29<sup>th</sup> of that King?

JUST. I say, that the Commons being unable to pay, the King relieves himself upon the richer sort: and so it likewise happened in the 33 of that King, in which he was relieved chiefly by the Citie of *London*. But, my good Lord, in the Parliament in *London* in the 38<sup>th</sup> yeare, he had given him the tenth of all the revenues of the Church for 3 yeares, & three marks of every Knights Fee throughout the kingdome, upon his promise and oath upon the observing of *Magna Charta*, but in the end of the same year, the King being then in *France*, he was denied the aydes which he required. What is this to

the danger of a Parliament : especially at this time they had reason to refuse, they had given so great a summe in the beginning of the same year. And againe, because it was known that the King had but pretended warre with the King of *Castile*, with whom he had secretly contracted an alliance, and concluded a Marriage betwixt his sonne *Edward* and the Lady *Elenor*. These false fires doe but fright Children, and it commonly falls out, that when the cause given is knowne to be false, the necessitie pretended is thought to be fained. Royall dealing hath evermore Royall successe : and as the King was denyed in the eight and thirtieth year, so was he denyed in the nine and thirtieth year, because the Nobilitie and the people saw it plainely, that the K. was abused by the Pope, who as well in despite to *Manfred* bastard sonne to the Emperour *Frederick* the second : as to cozen the King and to waste him, would needes bestow on the King the Kingdome of *Sicily* ; to recover which, the King sent all the Treasure he could borrow or scrape to the Pope, and withall gave him letters of credence, for to take up what he could in *Italy*, the King binding himselfe for the payment. Now, my good Lord, the wisdom of Princes is seene in nothing more then in their enterprises. So how unpleasing it was to the State of *England* to consume the Treasure of the Land, & in the conquest of *Sicily* so farre off, and otherwise, for that the *English* had lost *Normandie* under their noses, and so many goodly parts of *France*, of their own proper inheritances : the reason of the denyall is as well to be considered as the denyall.

COUNS. Was not the King also denyed a Subsidie in the fortie first of his reigne ?

JUST. No, my Lord : for although the King required money as before, for the impossible conquest of *Sicily* ; yet the House offered to give 52000 marks, which whether he refused or accepted, is uncertaine : and whilst the King dreamed of *Sicily*, the *Welsh* invaded and spoyled the borders of *England* ; for in the Parliament of *London*, when the King urged the House for the prosecuting the conquest of *Sicily*, the Lords utterly disliking the attempt, urged the prosecuting of the  
Welshmen

Welshmen: which Parliament being proroged did again assemble at Oxford, & was called the mad Parliament, which was no other then an assembly of rebels, for the royal assent of the K. which gives life to all Lawes, form'd by the three estates, was not a royall assent, when both the K. & the Prince were constrained to yeeld to the Lords. A constrained consent is the consent of a Captive & not of a K. and therefore there was nothing done there either legally or royally. For if it be not properly a Parliament where the subject is not free, certainly it can be none where the King is bound, for all king-ly rule was taken from the King, and twelve Peeres appointed, and as some Writers have it 24. Peeres, to governe the Realme, and therefore the assembly made by *Jack Straw* and other rebels may aswell bee called a Parliament as that of Oxford. *Principis nomen habere, non est esse princeps*, for thereby was the K. driven not only to compound all quarrels with the French, but to have meanes to be revenged on the rebell Lords: but he quitted his right to *Normandy, Anjou & Mayne*.

COUNS. But Sir, what needed this extremity, seeing the Lords required but the confirmation of the former Charter, which was not prejudiciall to the King to grant?

JUST. Yes my good Lord, but they insulted upon the King, & would not suffer him to enter into his own Castles, they put downe the Purveyor of the meate for the maintenance of his house, as if the King had been a bankrupt, and gave order that without ready money he should not take up a Chicken. And though there is nothing against the royalty of a King in these Charters (the Kings of England being Kings of freemen and not of slaves) yet it is so contrary to the nature of a King to bee forced even to those things which may be to his advantage, as the King had some reason to seeke the dispensation of his oath from the Pope, and to draw in strangers for his owne defence: yea *jure salvo Corona nostre* is intended inclusively in all oathes and promises exacted from a Sovereigne.

COUN. But you cannot be ignorant how dangerous a thing it is to call in other nations both for the spoil they make, as  
also,

so, because they have often held the possession of the best places with which they have beene trusted.

JUST. It is true my good Lord, that there is nothing so dangerous for a King as to be constrained and held as prisoner to his vassals, for by that, *Edward* the second, and *Richard* the second lost their Kingdomes and their lives. And for calling in of strangers, was not King *Edward* the sixth driven to call in strangers against the Rebels in Norfolke, Cornewall, Oxfordshire and elsewhere? Have not the K<sup>s</sup>. of Scotland beene oftentimes constrained to entertaine strangers against the Kings of England: And the King of England at this time had he not bin diverse times assisted by the Kings of Scotl. had bin endangered to have been expelled for ever.

COUNS. But yet you know those Kings were deposed by Parliament.

JUST. Yea my good Lord being Prisoners, being out of possession, and being in their hands that were Princes of the blood and pretenders. It is an old country Proverbe, (that *Might overcomes Right*) a weake title that weares a strong sword, commonly prevails against a strong title that weares but a weake one, otherwise *Philip* the second had never been Duke of Portugal, nor Duke of Millayne, nor K. of Naples & Sicily. But good Lord, *Errores non sunt trahendi in exemplum*. I speake of regall, peaceable, and lawfull Parliaments. The King at this time was but a King in name, for Gloucester, Leicester and Chichester made choise of other Nine, to whom the rule of the Realme was committed, & the Prince was forced to purchase his liberty from the Earle of Leicester, by giving for his ransome the County Pallatine of Chester. But my Lord let us judge of those occasions by their events, what became of this proud Earle? was hee not soone after slaine in Evesham? was he not left naked in the field, and left a shamefull spectacle, his head being cut off from his shoulders, his privie parts from his body, & laid on each side of his nose? And did not God extinguish his race, after which in a lawfull Parliament at Westminster (confirmed in a following Parliament of Westminster) were not all the Lords that followed



followed *Leycester* disinherited? And when that foole *Glocester* after the death of *Leycester* (whom hee had formerly forsaken) made himselfe the head of a second Rebellion, and called in strangers, for which not long before he had cried out against the King, was not he in the end, after that he had seen the slaughter of so many of the Barons, the spoile of their Castles, and Lordships constrained to submit himselfe, as all the survivors did, of which they that sped best, payd their fines and ransomes, the King reserving his younger sonne, the Earledomes of *Leycester* and *Derby*.

**Covns :** Well sir, we have disputed this King to the grave, though it be true, that he out-lived all his enemies, & broughed them to confusion, yet those examples did not terrifie their successors, but the Earle Marshall, and Hereford, threatned King *Edward* the first, with a new Warre.

**Jvst.** They did so, but after the death of Hereford, the Earle Marshall repented himselfe, and to gaine the Kings favour, he made him heire of all his Lands. But what is this to the Parliament? for there was never K. of this land had more given him for the time of his raigne, then *Edward* the Sonne of *Henry* the third had.

**Covns.** How doth that appeare?

**Jvst.** In this sort my good Lord, in this Kings third yeare he had given him the fifteenth part of all goods. In his sixt yeare a twentieth. In his twelfth yeare a twentieth, in his fourteenth yeare he had escuage (to wit) forty shillings of every Knights Fee, in his eighteenth yeare he had the eleventh part of all moveable goods within the Kingdome, in his nineteenth yeare the tenth part of all Church livings in England, Scotland and Ireland, for sixe yeares, by agreement from the Pope, in his three and twentieth yeare he raised a taxe vpon Woolle and fells, and on a day caused all the religious houses to be searched, and all the treasure in them to be seized and brought to his coffers, excusing himselfe by laying the fault vpon his Treasurer, he had also in the end of the same yeare, of all goods of all Burgeses, & of the Commons the 10th part, in the 25th yeare of Parliament of *St. Edmundsbury*, he had an 18th part of the goods of the Burgeses, and of the people in generall,

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the tenth part. Hee had also the same yeare by putting the Clergie out of his protection a fift part of their goods, and in the same yeare he set a great taxe vpon Woolls, to wit, from halfe a marke to 40 s. vpon every sacke, whereupon the Earle *Marshall*, and the Earle of *Hereford* refusing to attend the King into *Flanders*, pretended the greivances of the people. But in the end the King having pardoned thẽ, and confirmed the great Charter, he had the ninth penny of all goods from the Lords and Commons of the Clergie, in the South he had the tenth penny, and in the North the fift penny. In the two and thirtyeth yeare he had a subsedy freely granted. In the three and thirtyeth yeare hee confirmed the great Charter of his owne Royall disposition, and the states to shew their thankfulnessse, gave the King for one yeare, the fift part of all the revenues of the land, and of the Citizens the sixt part of their goods. And in the same yeare the King vsed the inquisition called *Traie Baston*. By which all Iustices and other Magistrates were grievously fined that had vsed extortion or bribery, or had otherwise misdemeaned themselves to the great contentation of the people. This Commission likewise did enquire of entruders, barators, and all other the like vermine, whereby the King gathered a great masse of treasure with a great deale of love. Now for the whole raigne of this King, who governed *England* 35 yeares, there was not any Parliament to his prejudice.

COVN. But there was taking of armes by *Marshall* and *Hereford*.

IYST. That's true, but why was that? because the King, notwithstanding all that was given him by Parliament, did lay the greatest taxes that ever King did without their consent. But what lost the King by those Lords? one of them gave the King all his lands, the other dyed in disgrace.

COVN. But what say you to the Parliament in *Edward* the Second's time his successor: did not the house of Parliament banish *Peirce Ganeſton* whom the King favoured?

IYST. But what was this *Ganeſton* but an Esquier of *Gascogne*, formerly banisht the Realme by King *Edward* the first, for

for corrupting the Prince *Edward*, now reigning. And the whole Kingdome fearing and detesting his venomous disposition, they besought his Majestie to cast him off, which the King performed by an act of his owne, and not by act of Parliament, yea *Gaucestons* owne father in Law, the Earle of *Glocester*, was one of the chiefest of the Lords that procured it. And yet finding the Kings affection to follow him so strongly, they all consented to have him recalled. After which when his credit so encreased, that he dispised and set at naught all the ancient Nobility, and not onely perswaded the King to all manner of outrages and riots, but withall transported what hee listed of the Kings Treasure, and Jewels, the Lords vrged his banishment the second time, but neither was the first nor second banishment forced by Act of Parliament, but by the forceable Lords his Enemies. Lastly he being recalled by the King, the Earle of *Lancaster* caused his head to be stricken off, when those of his party had taken him prisoner. By which presumptuous Act, the Earle and the rest of his company committed Treason and murder, Treason by raising an Army without warrant, murder by taking away the life of the Kings Subject. After which *Gauceston* being dead, the *Spencers* got possession of the Kings favor, though the younger of them was placed about the King, by the Lords themselves.

COVN. What say you then to the Parliament held at London about the sixt yeare of that King.

JVST. I say that King was not bound to performe the acts of this Parliament, because the Lords being too strong for the King, inforced his consent, for these be the words of our owne History. *They wrested too much beyond the bounds of reason.*

COVN. What say you to the Parliaments of the White wands in the 13th of the King.

JVST. I say the Lords that were so moved, came with an Army, and by strong hand surprized the King, they constrained, (sayth the story) the rest of the Lords and compelled many of the Bishops to consent vnto them, yea it sayth further, that the King durst not but grant to all that they requi-

red, (to wit) for the banishment of the *Spencers*. Yea they were so insolent that they refused to lodge the *Queene* comming through *Kent* in the Castle of *Leedes*, and sent her to provide her lodging where she could get it so late in the night, for which notwithstanding some that kept her out were soone after taken and hang'd, and therefore your Lordship cannot call this a Parliament for the reasons before alleaged. But my Lord what became of these Lawgivers to the King, even when they were greatest, a Knight of the North called *Andrew Herkeley*, assembled the Forces of the Countrey, overthrowed them and their Army, slew the Earle of *Hereford*, and other Barons, tooke their generall *Thomas* Earle of *Lancaster*, the Kings cozen-germane at that time possessed of five Earledomes, the Lords *Clifford*, *Talbort*, *Moubray*, *Maudslut*, *Willington*, *Warren*, Lord *Darcy*, *Withers*, *Knevill*, *Leybourne*, *Bekes*, *Eovell*, *Fitzwilliams*, *Waterwild*, and divers other Barons, Knights and Esquiers, and soone after the Lord *Percy*, and the Lord *Warren* tooke the Lords *Baldsemere*, and the Lord *Audley*, the Lord *Tiss*, *Gifford*, *Tuchet*, and many others that fled from the battaile, the most of which past vnder the hands of the hangman, for constraining the King vnder colour and name of a Parliament. But this your good Lordship may judge, to whom, those tumultuous assemblies (which our Histories falsely call Parliaments have beene dangerous, the King in the end ever prevailed, and the Lords lost their lives, and estates. After which the *Spencers* in their banishment at *Yorke*, in the 15<sup>th</sup> of the King, were restored to the honors and estates, and therein the King had a subsidy given him the six<sup>penny</sup> of goods throughout *England*, *Ireland*, and *Wales*.

COVN. Yet you see the *Spencers* were soone after dissolved.

IVST. It is true my Lord, but that is nothing to our subiect of Parliament, they may thanke their owne insolencie, for they branded and dispised the *Queene*, whom they ought to have honored as the Kings wife; they were also exceeding greedy, and buile themselves vpon other mens ruines, they were ambitious and exceeding malicious, wherevpon that came, that

that when Chamberlaine *Spencer* was hang'd in *Hereford*, a part of the 24th *Psalm* was written over his head: *Quid gloriaris in malitia potens?*

**COVNS.** Well Sir, you have all this while excused your selfe vpon the strength and rebellions of the Lords, but what say you now to King *Edward* the third, in whose time ( and during the time of this victorious King, no man durst take Armes or rebell) the three estates did him the greatest affront that ever King received or endured, therefore I conclude where I began, that these Parliaments are dangerous for a King,

**JYST.** To answer your Lordship in order, may it please you first to call to mind, what was given this great King by his Subjects before the dispute betwixt him and the house happened, which was in his latter dayes, from his first yeare to his fift yeare there was nothing given the King by his Subjects, In his eight yeare at the Parliament at *London* a tenth and a fifteenth was granted, in his tenth yeare hee ceased vpon the *Italians* goods here in *England* to his owne vse, with all the goods of the *Monkes Cluniacs* and others, of the order of the *Cisterciens*. In the eleventh yeare, he had given him by Parliament a notable reliefe, the one halfe of the Woolls throughout *England*, and of the Clergie all their Woolls, after which, in the end of the yeare hee had granted in his Parliament at *Westminster*, forty shillings vpon every sacke of Wooll, and for every thirty wooll fells forty shillings, for every last of leatherne, as much, and for all other merchandizes after the same rate. The King promising that this yeares gathering ended, he would thenceforth content himselfe with the old custome, he had over and above this great ayde the eight part of all goods of all Citizens and Burgeses, and of other as of forreigne Merchants, and such as lived not of the gaine of breeding of sheepe and cattell the fifteenth of their goods. Nay my Lord: this was not all, though more then ever was granted to any King, for the same Parliament bestowed on the King the ninth sheafe of all the corne with in the Land, the ninth fleece, and the ninth lambe for two

yeares

yeares next following; now what thinke your Lordship of this Parliament.

CovN. I say they were honest men.

Ivst. And I say, the people are as loving to their King now, as ever they were, if they be honestly and wisely dealt withall, and so his Majestie hath found them in his last two Parliaments, if his Majestie had not beene betrayed by those whom he most trusted.

CovNs. But I pray you Sir, who shall a King trust, if he may not trust those whom he hath so greatly advanced?

Ivst. I will tell you Lordship whom the King may trust.

CovN. Who are they?

Jvst. His owne reason, and his owne excellent Judgement which have not deceived him in any thing, wherein his Majesty hath beene pleased to exercise them, *Take Councell of thine heart* (saith the booke of Wisedome) *for there is none more faithfull unto thee then it.*

CovN. It is true, but his Majestie found that those wanted no judgement whom hee trusted, and how could his Maieitie divine of their honesties?

Ivst. Will you pardon mee if I speake freely, for if I speake out of love, which (as *Salomon* saith) *covereth all trespasses*, The truth is, that his Maieitie would never beleieve any man that spake against them, and they knew it well enough, which gave them boldnesse to doe what they did.

CovN. What was that?

Jvst. Even, my good Lord, to runie the Kings estate so farre as the state of so great a King may be ruin'd by men ambitious and greedy without proportion. It had beene a brave increase of revenue, my Lord, to have raysed 50000l. land of the Kings to 20000l. revenue, and to raise the revenue of wards to 20000l. more, 40000l. added to the rest of his Maiesties estate, had so enabled his Maieitie, as hee could never have wanted, And my good Lord, it had beene an honest service to the King, to have added 7000l. lands of the Lord *Cobhams*, Woods and goods being worth 30000l. more.

CovN, I know not the reason why it was not done,

IvsT. Neither doth your Lordship, perchance know the reason why the 10000l. offer'd by *Swinerton* for a fine of the *French* wines, was by the then Lord Treasurer conferr'd on *Devonshire* and his *Mispris*.

CovN. What moved the Treasurer to reiect and crosse that raising of the Kings lands?

IvsT. The reason, my good Lord, is manifest, for had the land beene raised, then had the King knowne when he had given or exchanged land, what hee had given or exchanged.

CovNs. What hurt had that beene to the Treasurer whose Office is truly to informe the King of the value of all that he giveth?

IvsT. So hee did when it did not concerne himselfe nor his particular, for hee could never admit any one peece of a good Manour to passe in my Lord *Aubignes* booke of 1000l. land, till hee himselfe had bought, and then all the remaining flowers of the Crowne were culled out. Now had the Treasurer suffer'd the Kings lands to have beene raised, how could his Lordship have made choyce of the old rents, as well in that booke of my Lord *Aubigne*, as in exchange of *Theobalds*, for which hee tooke *Hatfield* in it, which the greatest subject or favorite Queene *Elizabeth* had neuer durst have named vnto her by way of gift or exchange. Nay my Lord, so many other goodly Mannors have passed from his Maiestie, as the very heart of the kingdome mourneth to remember it, and the eyes of the kingdome shedde teares continually at the beholding it: yea the soule of the kingdome is heaue unto death with the consideration thereof, that so magnanimous a Prince, should suffer himselfe to be so abused.

CovNs. But Sir you knowe that *Cobhams* lands were entayled vpon his Consens.

IvsT. Yea my Lord, but during the liues and races of *George Brooke* his children, it had beene the Kings, that is to say, for euer in effect, but to wrest the king, and to draw the inheritance vpon himselfe, hee perswaded his Maiestie to relinquish

linquish his interest for a pretty summe of money; and that there might be no counterworking, he sent *Brooke* 6000l. to make friends, whereof himselfe had 2000l. backe againe, *Buckhurst* and *Barwicke* had the other 4000l. and the Treasurer and his heires the masse of land for ever.

COVNS. What then I pray you came to the King by this great confiscation.

JVST. My Lord, the Kings Majestie by all those goodly possessions, Woods & goods looseth 500l. by the yeare which he giveth in pension to *Cobham*. to maintaine him in prison.

COV. Certainly, even in conscience they should have reserved so much of the land in the Crowne, as to have given *Cobham* meate and apparell, and not made themselves so great gainers, and the King 500l. (*per annum*) looser by the bargain, but it's past: *Consilium non est eorum qua fieri nequeunt.*

JVST. Take the rest of the Sentence, my Lord: *Sed consilium versatur in ijs qua sunt in nostra potestate.* It is yet, my good Lord, *in potestate Regis*, to right himselfe. But this is not all my Lord; And I feare me, knowing your Lordships love to the King, it would put you in a feaver to heare all, I will therefore goe on with my Parliaments,

COV. I pray doe so, and amongst the rest, I pray you what say you to the Parliament holden at *London* in the fifteenth yeare of King *Edward* the third?

JVST. I say there was nothing concluded therein to the prejudice of the King. It is true, that a little before the sitting of the house, the King displaced his Chancellour and his Treasurer, and most of all his Iudges and Officers of the Exchequer, and committed many of them to prison, because they did not supply him with money, being beyond the Seas, for the rest, the States assembled, besought the King that the lawes of the two Charters might bee observed, and that the great Officers of the Crowne might be chosen by Parliament,

COV. But what successe had these petitions.

JVST. The Charters were observed, as before, and so they will



will be ever, and the other petition was rejected, the King being pleas'd, notwithstanding, that the great Officers, should take an oath in Parliament to doe Justice. Now for the Parliament of *Westminster*, in the 17th yeare of the King, the King had three markes and a halfe for every sacke of Wooll, transported; and in his 18th he had a 10th of the Clergie, and a 15th of the Laity for one yeare. His Maiestie forbore after this to charge his Subiects with any more payments, untill the 29th of his reigne, when there was given the King by Parliament 50 for every sacke of Wooll transported for sixe yeares, by which grant, the King received a thousand markes a day, a greater matter then a thousand pounds in these dayes, and a 1000l. a day amounts to 365000l. a yeare, which was one of the greatest presents that ever was given to a King of this land. For besides the cheapenisse of all things in that age, the Kings souldiers had but 3d. a day wages, a man at armes 6 d. a Knight but 2s. In the Parliament at *Westminster*, in the 33th yeare he had 26s. 8d. for every sacke of Wooll transported, and in the 42th yeare 3 dismes and 3 fiftens. In his 45th yeare he had 50000l. of the Laity, and because the Spirituality disputed it, and did not pay so much, the King chang'd his Chancellour, Treasurer, and Privy Seale, being Bishops, and placed Lay-men in their roome.

COVN. It seemes that in those dayes the Kings were no longer in love with their great Chancellors, then when they deserved well of them.

JVS T. No my Lord, they were not, and that was the reason they were well served, and it was the custome then, & in many ages after, to change the Treasurer and the Chancellour every 3 yeares, & withall to heare all mens complaints against them.

COVN: But by this often change, the saying is verified, that there is no inheritance in the favour of Kings. *Heo that keepeth the figge-tree (saith Salomon) shall eat the fruit there.* of; for reason it is that the servant live by the Master.

JVS T. My Lord, you say well in both, but had the subject an inheritance in the Princes favour, where the Prince hath no inheritance in the Subiects fidelity, then were Kings in more

vnhappy estate then common persons, For the rest, *Salomon* meaneth not, that he that *keepeth the figge-tree* should surfer, though he meant he should eate, hee meant not hee should breake the branches in gathering the figs, or eate the ripe, and leaue the rotten for the owner of the tree; for what saith hee in the following chapter, he saith that *he that maketh hast to be rich, cannot be innocent.* And before that, he saith, *that the end of an inheritance hastily gotten, cannot be blessed.* Your Lordship hath heard of few or none great with Kings that have not vsed their power to oppresse, that have not growne insolent and hatefull to the people; yea, insolent towards those Princes that advanced them.

COVNS. Yet you see that Princes can change their fancies.

IVST. Yea my Lord, when favorites change their faith, when they forget that how familiar soever Kings make themselves with their Vassals, yet they are Kings: *He that provoketh a King to anger* (saith *Salomon*) *sinneth against his own soule.* And he further saith, *that pride goeth before destruction, and a high mind before a fall.* I say therefore, that in discharging those *Lucifers*, how deare soever they have beene, Kings make the world know that they have more of Iudgement then of passion, yea they thereby offer a satisfactory sacrifice to all their people, too great benefits of subjects to their King, where the mind is blowne vp with their owne deservings, and too great benefits of Kings conferr'd vpon their Subjects, where the mind is not qualified with a greas deale of modesty are equally dangerous. Of this later and insolenter, had King *Richard* the second delivered vp to Iustice but three or foure, he had still held the love of the people, and thereby his life and estate.

COVNS. Well, I pray you goe on with your Parliaments.

IVST. The life of this great King *Edward* drawes to an end, so doe the Parliaments of this time, wherein 50 yeares raigne, he never received any affront, for in his 49th yeare he had a disme and a fiftene granted him freely.

COVNS.

Covens, But Sir it is an olde saying, that all is well that ends well: Iudge you whether that in his 50th yeare in Parliament at *Westminster* hee received not an affront, when the house urged the King to remove and discharge from his presence the Duke of *Lancaster*, the Lord *Latimer* his Chamberlaine, Sir *Richard Stury* and others whom the King favoured and trusted. Nay, they pressed the King to thrust a certaine Lady out of the Court, which at that time bare the greatest sway therein.

IVST. I will with patience answere your Lordship to the full, and first your Lordship may remember by that which I even now said, that never King had so many gifts as this King had from his subjects, and it hath never grieved the subjects of *England* to give to their King, but when they knew there was a devouring Lady, that had her share in all things that passed, and the Duke of *Lancaster* was as scraping as shee, that the Chancellour did eate up the people as fast as either of them both. It grieved the subjects to feede these Cormorants. But my Lord there are two things by which the Kings of *England* have beene prest, (to wit) by their subjects, and by their owne necessities. The Lords in former times were farre stronger, more warlike, better followed, living in their Countries, then now they are. Your Lordship may remember in your reading, that there were many Earles could bring into the field a thousand Barbed horses, many a Baron 5 or 600 Barbed horses, whereas now very few of them can furnish twenty fit to serve the King. But to say the truth my Lord, the Justices of Peace in *England*, have oppos'd the injusticers of warre in *England*, the kings writ runs over all, & the great Seale of *England*, with that of the next Constables will serve the turne to affront the greatest Lords in *England* that shall move against the King. The force therefore by which our Kings in former times were troubled, is vanisht away. But the necessities remaine. The people therefore in these later ages, are no lesse to be pleased then the Peeres; for as the later are become lesse, so by reason of the trayning through *England*, the Commons

have all the weapons in their hands.

COVN: And was it not so ever?

IYST: No my good Lord; for the Noblemen had in their Armories, to furnish some of them a thousand some 2 thousand, some three thousand men, whereas now there are not many that can arme fifty.

COVN: Can you blame them? But I will onely answer for my selfe, betweene you and me be it spoken, I helde it not safe to maintaine so great an Armory or Stable, it might cause me, or any other Nobleman to be suspected, as the preparing of some Innovation.

IYST. Why so my Lord, rather to bee commended as preparing against all danger of Innovation.

COVN. It should be so, but call your observation to accompt, and yon shall find it as I say, for (indeed) such a jealousie hath beene held ever since the time of the Ciuill wars, over the Military greatnes of our Nobles, as made them have little will to bend their studies that wayes: wherefore let every man provide according as he is rated in the Muster Booke, you vnderstand me.

IYST. Very well my Lord, as what might be replied in the perceiving so much; I have ever (to deale plainly and freely with your Lordship) more fear'd at home popular violence, then all the forreine that can be made, for it can never be in the power of any forraigne Prince, without a Popish party, rither to disorder or endanger his Maiesties Estate.

COVN. By this it seemes, it is no lesse dangerous for a King to leave the power in the people, then in the Nobility.

IYST. My good Lord, the wisdom of our owne age, is the foolishnesse of another, the time present ought not to bee prefer'd to the policy that was, but the policy that was, to the time present, So that the power of the Nobility being now withered, and the power of the people in the flower, the care to content them would not be neglected, the way to win them often practized, or at least to defend them from oppression, The motive of all dangers that ever this Monarchy

clay hath vndergone, should bee carefully heeded, for this Maxime hath no posterne, *Potestas humanaradicatur in voluntatibus hominum.* And now my Lord, for King Edward it is true, though he were not subiect to force, yet was hee subject to necessity, which because it was violent, hee gave way vnto it, *Potestas* (saith Pythagoras) *juxta necessitatem habitat,* And it is true, that at the request of the houle he discharged and put from him those before named, which done, he had the greatest gift (but one) that ever he received in all his dayes (to wit) from every person, man and woman above the age of fourteen yeares, 4l. of old mony, which made many Millions of Groats, worth 6l. of our mony. This he had in generall, besides he had of every beneficed Priest, 12d. And of the Nobility and Gentry, I know not how much, for it is not set down. Now my good Lord, what lost the King by satisfying the desires of the Parliament house; for as soone as hee had the mony in purse, he recalled the Lords, and restored them, and who durst call the King to accompt, when the Assembly were dissolved. *Where the word of a King is, there is power* (saith Ecclesiasticus) *who shall say vnto him, what dost thou?* (saith the same Author, for every purpose there is a time & iudgement, the King gave way to the time, & his iudgement perswaded him to yeeld to necessity, *Consularium nemo melius est quam tempus.*

COVN. But yet you see the King was forc'd to yeeld to their demands.

Ivsr. Doth your Lordship remember the saying of Monsieur de Lange, that he that hath the profit of the warre, hath also the honour of the warre, whether it be by battaile or retreat, the King you see had the profit of the Parliament, and therefore the honour also; what other end had the king then to supply his wants, A wise man hath evermore respect vnto his ends: And the King also knew that it was the love that the people bare him, that they vrged the removing of those Lords, there was no man among them that sought himselfe in that desire, but they all sought the King, as by the success it appeared, My good Lord, hath it not beene ordinary

in *England* and in *France* to yeeld to the demaunds of rebels, did not King *Richard* the second graunt pardon to the outrageous roagues and murtherers that followed *Jack Straw*, and *Wat Tyler*, after they had murthered his Chancellor, his Treasurer, Chiefe Iustice and others, brake open his Exchequer, and committed all manner of outrages and villanies, and why did he doe it, but to avoid a greater danger: I say the Kings have then yeelded to those that hated them & their estates, (to wit) to pernicious rebels. And yet without dishonour, shall it be called dishonour for the King to yeeld to honest desires of his subjects. No my Lord, those that tell the King those tales, feare their own dishonour, and not the Kings; for the honour of the King is supream, and being guarded by Iustice and piety, it cannot receive neither wound nor stayne.

COVN. But Sir, what cause have any about our King to feare a Parliament?

Ivst. The same cause that the Earle of *Suffolke* had in *Richard* the seconds time, and the Treasurer *Fartbam*, with others, for these great Officers being generally hated for abusing both the King and the Subiect, at the request of the States were discharged, and others put in their roomes.

COVN. And was not this a dishonour to the King?

Ivst. Certainly no, for King *Richard* knew that his Grandfather had done the like, and though the King was in his heart vterly against it, yet had hee the profit of this exchange; for *Suffolke* was fined at 20000 markes, and 10000 lands.

COVN. Well Sir, wee will speake of those that feare the Parliament some other time, but I pray you goe on with that, that happened in the troublesome raigne of *Richard* the second who succeeded, the Grandfather being dead.

Ivst. That King, my good Lord, was one of the most vnfortunate Princes that ever *England* had, hee was cruell, extreame prodigall, and wholly carried away with his two Minions, *Suffolke*, & the Duke of *Ireland*, by whose ill advice & others,

others, he was in danger to have lost his estate ; which in the end (being led by men of the like temper) hee miserably lost. But for his subsidies hee had given him in his first yeare being vnder age two tenths, and two fiftenees : In which Parliament, *Alise Peirce*, who was removed in King *Edwards* time, with *Lancaster*, *Latimer*, and *Sturmy*, were confiscate and banished, in his second yeare at the Parliament at *Glocester*, the King had a marke vpon every sacke of Wooll, and 6d. the pound vpon wards. In his third yeare at the Parliament at *Winchester*, the Commons were spared, and a subsidy given by the better sort, the Dukes gave 20 markes, and Earles 6 markes, Bishops and Abbots with myters fixe markes, every marke 3s. 4d. and every Knight, Iustice, Esquier, Shrieue, Parson, Vicar, and Chaplaine, paid proportionably according to their estates.

COVN. This methinkes was no great matter.

IYST. It is true my Lord, but a little mony went farre in those dayes : I my selfe once moved it in Parliament in the time of *Queene Elizabeth*, who desired much to spare the Common people, and I did it by her Commandement ; but when we cast vp the subsidy Bookes, wee found the summe but small, when the 30 l. men were left out. In the beginning of his fourth yeare, a tenth with a fifteen were granted vpon condition, that for one whole yeare no subsidies should bee demanded ; but this promise was as suddainly forgotten as made, for in the end of that yeare, the great subsidy of Poll mony was granted in the Parliament at *Northampton*.

COVNS. Yea, but there followed the terrible Rebellion of *Baker*, *Straw*, and others, *Leister*, *Wraie*, and others.

IYST. That was not the fault of the Parliament my Lord, it is manifest that the subsidy given was not the cause ; for it is plaine that the bondmen of *England* began it, because they were grievously prest by their Lords in their tenure of Villenage, as also for the hatred they bare to the Lawyers and Attorneyes : for the story of those times say, that they destroyed the houses and Manours of men of Law, and such Lawyers as they caught, slew them, and beheaded the Lord  
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chiefe lustie, which commotion being once begun, the headmony was by other Rebels pretended : A fire is often kindled with a little straw, which oftentimes takes hold of greater timber, and consumes the whole building : And that this Rebellion was begun by the discontented slaues (whereof there have beene many in Elder times the like) is manifest by the Charter of *Manumission*, which the King granted, *in hac verba, Ric: Dei gratia, &c. Sciat is quod de gratia nostra spirituali munissimus, &c.* to which, seeing the King was constrained by force of Armes, he revoked the Letter. Patents, and made them voide, the same revocation being strenthened by the Parliament ensuing, in which the King had given him a subsidy vpon Wools, called a *Maletor* : In the same fourth year was the Lord Treasurer discharged of his Office, and *Hales* Lord of *St. Johns* chosen in his place, in his fift year was the Treasurer againe changed, and the Staffe given to *Segraue*, and the Lord Chancellour was also changed, and the staffe given to the Lord *Scroope* : Which Lord *Scroope* was againe in the beginning of his sixt year turned off, and the King after that he had for a while kept the Scale in his owne hand, gave it to the Bishop of *London*, from whom it was soone after taken and bestowed on the Earle of *Suffolke*, who they say had abused the King, and converted the Kings Treasure to his owne vse. To this the King condescended, and though (saith *Walsingham*) he deserved to loose his life and goods, yet he had the favour to goe at liberty vpon good surceties, and because the K. was but yong, and that the reliefe granted was committed to the trust of the Earle of *Arundell* for the furnishing of the Kings Navy against the *French*.

CovN. Yet you see it was a dishonour to the King to have his beloved Chancellour removed.

Ivs r. Truly no, for the K. had both his fine 1000 lads & a subsidy to boot. And though for present is pleased, the K. is fancy a man all the world hated (the Ks. passion overcoming his judgement) yet it cannot be cal'd a dishonor, for the K. is to believe the generall counsell of the kingdom, and to prefer it before his affection, especially when *Suffolke* was proved to be false even to the K. for were it otherwise love and affection might



might be called a frenzie and a madnesse, for it is the nature of humane passions, that the love bred by fidelity, doth change it self into hatred, when the fidelity is first changed into falshood.

GOV. But you see there were thirteene Lords chosen in the Parliament, to have the oversight of the government under the King.

JVS. No my Lord, it was to have the oversight of those Officers, which (saith the story) had imbezeled, lewdly wasted, and prodigally spent the Kings Treasure, for to the Commission to those Lords, or to any fixe of them, joyned with the Kings Counsell, was one of the most royall and most profitable that ever he did, if he had been constant to himselfe. But my good Lord, man is the cause of his owne misery, for I will repeat the substance of the commission granted by the King, and confirmed by Parliament, which whether it had been profitable for the King to have prosecuted, your Lordship may judge. The preamble hath these words: *Whereas our Sovereigne Lord the King perceiveth by the grievous complaints of the Lords and Commons of this Realm, that the rents, profits, and revenues of this Realme, by the singular and insufficient Councell and evill government, as well of some his late great Officers, and others, &c. are so much withdrawne, wasted, employed, given, granted, alienated, destroyed, and evill dispended, that he is so much impoverished and void of treasure and goods, and the substance of the Crowne so much diminished and destroyed, that his estate may not honorably be sustained as appertaineth. The King of his free will at the Lords and Commons hath ordained William Archbishop of Canterbury and others with his Chancellour, Treasurer, keeper of his Privie Seale, to survey and examine as well the estate and governance of his house, &c. as of all the rents, and profits, and revenues to him appertaineth, and to be due, or ought to appertaine and be due, &c. and all manner of gifts, grants, alienations and confirmations made by him of lands, tenements, rents, &c. bargained and sold to the prejudice of him and his Crown, &c. and of his Jewels and goods which were his Grandfathers at the time of his death, &c. and where they be become.*

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This is in effect the substance of the commission, which your Lordship may read at large in the Booke of Statutes, this commission being enacted in the tenth yeare of the Kings reigne. Now if such a commission were in these daies granted to the faithfull men, that have no interest in the sales, gifts, nor purchases, nor in the keeping of the Jewells at the Queenes death, nor in the obtaining graunts of the Kings best lands, I cannot say what may be recovered, and iustly recovered; and what say your Lordship, was not this a noble acte for the King, if it had beene followed to effect?

COVNS. I cannot tell whether it were or no, for it gave power to the Commissioners to examine all the graunts;

JVST. Why my Lord, doth the King grant any thing, that shames at the examination? are not the Kings grants on record?

COVNS. But by your leaue, it is some dishonour to a King to have his judgement called in question.

JVST. That is true my Lord, but in this, or whensoever the like shall bee granted in the future, the Kings judgement is not examined, but their knavery that abused the King. Nay by your favour, the contrary is true, that when a King will suffer himselfe to bee eaten vp by a company of petty fellowes, by himselfe raised, therein both the judgement and courage is disputed. And if your Lordship will disdain it at your owne servants hands, much more ought the great heart of a King, to disdain it. And surely my Lord, it is a greater treason (though it vndercreepe the law) to teare from the Crowne the ornaments thereof: And it is an infallible maxime, that he that loves not his Maiesties estate, loves not his person.

COVNS. How came it then, that the Acte was not executed?

JVST. Because these, against whom it was granted, persuaded the King to the contrary: As the Duke of Ireland, Suffolke, the chiefe Iustice *Trisilian*, & others. yea, that which was lawfully done by the King, and the great Councell of the kingdome, was (by the mastery which *Ireland, Suffolke,* and

and *Tresilian* had over the Kings affections) broken and dis-  
 avowed. Those that devised to relieve the King, not by any  
 private intention, but by generall Councell, were by a pri-  
 vate and partiall assembly, adjudged traytors, and the most  
 honest Iudges of the land, enforced to subscribe to that judge-  
 ment. Insomuch, that Iudge *Belknap* plainly told the Duke  
 of *Ireland*, and the Earle of *Suffolke*, when hee was constrain-  
 ed to set to his hand, plainly told those Lords, that he wan-  
 ted but a rope, that he might therewith receive a reward for  
 his subscription. And in this Councell of *Nottingham* was  
 hatched the ruine of those which governed the King, of the  
 Iudges by them constrained, of the Lords that loved the  
 King, and sought a reformation, and of the King himselfe; for  
 though the King found by all the Shreeves of the shires, that  
 the people would not fight against the Lords, whom they  
 thought to bee most faithfull unto the King, when the Citi-  
 zens of *London* made the same answer, being at that time  
 able to arme 50000 men, and told the Major, that they would  
 never fight against the Kings friends, and defenders of the  
 Realme, when the Lord *Ralph Basset*, who was neere the K-  
 told the King boldly, that hee would not adventure to have  
 his head broken for the Duke of *Ireland*s pleasure, when  
 the Lord of *London* told the Earle of *Suffolke* in the Kings  
 presence, that hee was not worthy to live, &c. yet would the  
 King in the defence of the destroyers of his estate, lay am-  
 bushes to entrap the Lords, when they came vpon his faith;  
 yea when all was pacified, and that the King by his Procla-  
 mation had clear'd the Lords, and promised to produce *Ire-*  
*land*, *Suffolke*, & the Archbishop of *Yorke*, *Tresilian*, & *Bram-*  
*ber*, to answer at the next Parliament, these men confest, that  
 they durst not appeare; and when *Suffolke* fled to *Callice*, and  
 the Duke of *Ireland* to *Chester*, the King caused an army to  
 be leavied in *Lancashire*, for the safe conduct of the Duke of  
*Ireland* to his presence, when as the Duke being encounte-  
 red by the Lords, ranne like a coward from his company, and  
 fled into *Holland*. After this was holden a Parliament, which  
 was called that wrought wonders. In the eleventh yeare

of this King, wherein the forenamed Lords, the Duke of *Ireland* and the rest, were condemned and confiscate, the Chief Justice hang'd with many others, the rest of the Iudges condemned and banisht, and a 10th and a 15th given to the King.

COVN. But good Sir, the King was first besieged in the Tower of *London*, and the Lords came to the Parliament, and no man darst contradict them.

IVST. Certainly in raising an Army, they committed treason, and though it did appeare, that they all loved the King, (for they did him no harme, having him in their power) yet our law doth construe all leavying of war without the Kings commission, and all force raised to be intended for the death & destruction of the K. not attending the sequell. And it is so judged vpon good reason, for every vnlawfull and ill action is suppos'd to be accompanied with an ill intent, and besides, those Lords vsed too great cruelty, in procuring the sentence of death against diuers of the Kings servants, who were bound to follow and obey their Master and Soveraigne Lord, in that he commanded.

COVNS. It is true, and they were also greatly to blame, to cause then so many seconds to be put to death, seeing the principalls, *Ireland*, *Suffolke*, and *Torke* had escaped them. And what reason had they to seeke to enforme the State by strong hand, was not the Kings estate as deere to himselfe, as to them? He that maketh a King know his error mannerly and private, and gives him the best advice, hee is discharged before God and his owne conscience. The Lords might have retired themselves, when they saw they could not prevaile, and have left the king to his own waies, who had more to loose then they had.

IVST. My Lord the taking of Armes cannot be excused in respect of the law, but this might be said for the Lords that the King being vnder yeares, & being wholly governed by their enemies, & the Enemies of the kingdome, & because by those evill mens perswasions, it was advised, how the Lords should have been murthered at a feast in *London*, they were excusable during the kings minority to stand vpon their guards against their

their particular enemies. But we will passe it over and goe on with our Parliaments that followed, whereof that of *Cambridge* in the Ks 12th yeare was the next, therein the K. had given him a 10th & a 15, after which, being 20 yeares of age rechanged (saith *H. Kington*) his Treasurer, his Chancellor, the Iustices of either bench, the Clerk of the privy seale & others, & tooke the government into his own hands. Hee also tooke the Admirals place from the Earle of *Arundell*, & in his roome hee placed the Earle of *Huntington* in the yeare following, which was the 13 yeare of the K. in the Parliament at *Westminster*, there was given to the King vpon every sacke of wooll 14 s. and 6 d. in the pound vpon other marchandize.

**COVNS.** But by your leave, the King was restrained this parliament, that hee might not dispose of, but a third part of the money gathered.

**Jvs r.** No my Lord, by your favour. But true it is that part of this mony was by the Kings consent assigned towards the warre, but yet left in the Lord Treasurers hands, And my Lord it would be a great ease, and a great saving to his Majesty our Lord and Master, if it pleased him to make his assignations vpon some part of his revenewes, by which he might have 1000, vpon every 10000l. and save himselfe a great deale of clamour. For seeing of necessity the Navy must bee maintained, and that those poore men aswell Carpenters as ship keepers must be paid, it were better for his Majesty to give an assignation to the treasurer of his Navy for the receiving of so much as is called ordinary, then to discontent those poore men, who being made desperate beggers, may perchance be corrupted by them that lye in waite to destroy the Ks estate. And if his Maiesty did the like in all other payments, especially where the necessity of such as are to receive, cannot possible give dayes, his Maiesty might then in a little rowle behold his receipts and expences, hee might quiet his heart when all necessities were provided for, and then dispose the rest at his pleasure. And my good Lord, how excellently and easily might this have bin done, if the 400000l. had bene raised as aforesaid vpon the Kings lands, and Wards, I say that his Majesties house, his navy, his guards, his pensioners,

his munition, his Ambassadors and all else of ordinary charge might have bene defrayed, and a great summe left for his Maiesties casuall expences and rewards, J will not say they were not in love with the Kings estate, but I say they were vnfortunately borne for the King that croft it.

CovN. Well Sir, I would it had bene otherwise, But for the assignments, there are among us that will not willingly indure it. Charity begins with it selfe, shall wee hinder our selves of 5 000*l. per annũ* to save the King 20? No Sir, what will become of our New-yeares gifts, our presents and gratuities? We can now say to those that have warrants for money, that there is not a penny in the Exchequer, but the King gives it away vnto the Scots faster then it comes in.

Ivst. My Lord you say well, at least you say the trueth, that such are some of our answers, and hence comes that generall murmure to all men that have money to receive, I say that there is not a penny given to that nation, be it for service or otherwise but it is spread ouer all the kingdome: yea they gather notes, and take copies of all the priuy seales and warrants that his Majesty hath given for the money for the Scots, that they may shew them in Parliament. But of his Maiesties gifts to the English, there is no bruite though they may be tenne times as much as the Scots. And yet my good Lord, howsoever they be thus answered that to them sue for money out of the Exchequer, it is due to them for 10, or 12, or 20 in the hundred, abated according to their qualities that sue, they are alwayes furnished. For conclusion, if it would please God to put into the Kings heart to make their assignments, it would save him many a pound, and gaine him many a prayer, and a great deale of love; for it grieveth every honest mans heart to see the abundance which even the petty officers in the Exchequer, and others gather both from the king and subject, and to see a world of poore men runne after the King for their ordinary wages.

CovN. Well, well, did you never heare this olde tale, that when there was a great contention about the weather, the Sea-men complaining of contrary windes, when those of  
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the high Countries desired raine, and those of the Valleys<sup>s</sup> flourishing dayes, *Jupiter* sent them word by *Mercury*, then when they had done, the weather should bee as it had beene, and it shall ever fall out so with them that complaine, the course of payments shall be as they have beene, what care we what petty fellowes say? or what care we for your papers? have not we the Kings cares, who dares contest with vs? though we cannot be revenged on such as you are for telling the truth, yet vpon some other pretence, wee'll clap you vp, and you shall lue to us ere you get out. Nay wee'll make you confesse that you were deceived in your proiects, and eate your owne words, learne this of me Sir, that as a little good fortune is better then a great deale of vertue. so the least authority hath advantage over the greatest wit, was he not the wisest man that said, *the battaile was not the strongest, nor yet bread for the wise, nor riches to men of understanding, nor favour to men of knowledge: but what time & chance came to them all.*

IVST. It is well for your Lordship that it is so. But *Queene Elizabeth* would set the reason of a meane man, before the authority of the greatest Counceller she had, and by her patience therein shee raised vpon the vsuall and ordinary customes of London without any new imposition above 50000l a yeare, for though the Treasurer *Burleigh*, and the Earle of *Leicester*, and Secrerary *Walsingham* all three pensioners to Customer *Smith* did set themselves against a poore waiter of the Custome-house called *Carwarden*, and commanded the groomes of the privie Chamber not to give him access, yet the *Queene* sent for him, and gave him countenance against them all. It would not serve the turne, my Lord, with her; when your Lordships would tell her, that the disgracing her great officers by hearing the complaints of busie heads, was a dishonour to her selfe, but shee had alwayes this answer, *That if any man complaine vniustly against a Magistrate, it were reason he should be severely punished, if iustly, he was Queen of the small, as well as of the great, and would beare their complaints.* For my good Lord, a Prince that suffereth himselfe

himselfe to be besieged, forsaketh one of the greatest regalities belonging to a Monarchy, to wit, the last appeale, or as the French call it, *le dernier resort*.

COVN. Well Sir, this from the matter, I pray you goe on.

IVST. Then my Lord, in the Kings 15th yeare he had a tenth and at fiftene granted in Parliament of London. And that same yeare there was a great Councell called at Stamford to which divers men were sent for, of divers countie besides the Nobility, of whom the King tooke advice whether he should continue the Warre, or make a finall end with the French.

COVN. What needed the King to take the advice of any but of his owne Councell in matter of peace or Warre.

IVST. Yea my Lord, for it is said in the Proverbes, *Where are many counsellors, there is health*. And if the King had made the warre by a generall consent, the Kingdome in generall were bound to maintaine the warre, and they could not then say when the King required ayde, that he vndertook a needlesse warre.

COVN. You say well, but I pray you goe on.

IVST. After the subsidy in the 15th yeare, the King desired to borrow 10000l. of the Londoners, which they refused to lend.

COVN. And was not the King greatly troubled therewith.

IVST. Yea, but the King troubled the Londoners soone after, for the King tooke the advantage of a Ryot made vpon the Bishop of Salisbury his men, sent for the Maior, and other the ablest Citizens, committed the Maior to prison in the Castle of Windsor, and others to other Castles, and made a Lord Warden of this City, till in the end what with 10000l. ready money, and other rich presents, instead of lending 10000l. it cost them 20000l. Betweene the fiftenth yeare and twentieth yeare, hee had two aydes given him in the Parliaments of Winchester and Westminster: and this later was given to furnish the Kings Journey into Ireland to establish that estate which was greatly shaken since the death of  
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the Kings Grandfather, who received thence yearly 30000. l<sup>rs</sup>. and during the Kings stay in Ireland he had a 10<sup>th</sup>. and a 15<sup>th</sup>. granted.

COUNS. And good reason, for the King had in his Army 4000. horse, and 30000. foot.

JUR. That by your favour, was the Kings sanity: for great Armies do rather devoure themselves then destroy enemies. Such an army, (wherof the fourth part would have conquered all Ireland) was in respect of Ireland such an Army as *Xerxes* led into Greece in this twentieth yeere, wherein hee had a tenth of the Clergy, was the great conspiracie of the Kings Uncle, the Duke of Glocester, and of Maubrey, Arundell, Nottingham, and Warwick, the Archbishop of Canterbury, and the Abbot of Westminster, and others who in the 21. yeare of the King were all redeemed by Parliament: And what thinkes your Lordship, was not this Assembly of the 3. states for the Kings estate, wherein hee so prevailed, that hee not onely overthrew those popular Lords, but besides (the English Chronicle saith, the King so wrought and brought things about, that he obtained the power of both houses to be granted to certaine persons, to 15. Noblemen and Gentlemen, or to seven of them.

COUNS. Sir, whether the King wrought well or ill I cannot judge, but our Chronicles say, that many things were done in this Parliament, to the displeasure of no small number of people, to wit, for that diverse rightfull heires were disinherited of their lands and livings, with which wrongfull doings the people were much offended, so that the King with those that were about him, and chiefe in counsell, came into great infamy and slander.

JUR. My good Lord, if your Lordship will pardon me, I am of opinion that those Parliaments wherein the Kings of this Land have satisfied the people, as they have been ever prosperous, so where the King hath restrained the house, the contrary hath hapned, for the Kings atchievement in this Parliament, were the ready preparations to his ruine.

COUN. You mean by the general discontentmēt that follow-

ed, and because the King did not proceed legally with Gloucester and others. Why, Sir, this was not the first time that the Kings of England have done things without the Council of the land: yea, contrary to Law.

Just. It is true my Lord in some particulars, as even at this time the Duke of Gloucester was made away at Calice by strong hand, without any lawfull trial: for he was a man so beloved of the people and so allied, having the Dukes of Lancaster, and Yorke his brethren, the Duke of Aumarle, and the Duke of Herford his Nephewes, the great Earles of Arundell and Warwicke, with diverse other of his part in the conspiracie, as the King durst not trye him according to the law: for at the tryall of Arundell and Warwick, the King was forced to entertaine a petty Army about him. And though the Duke was greatly lamented, yet it cannot be denyed but that he was then a traytor to the King. And was it not so my Lord with the Duke of Guise: your Lordship doth remember the spur-gal'd proverbe, that *necessity hath no Law*: and my good Lord, it is the practice of doing wrong, and of generall wrongs done, that brings danger, and not where Kings are prest in this or that particular, for there is great difference betweene naturall cruelty and accidentall. And therefore it was *Machiavels* advice, that *all that a King did in that kinde, he shall doe at once, and by his mercies afterwards make the world know that his cruelty was not affected*. And my Lord take this for a generall rule, that the immortal policie of a state cannot admit any law or priviledge whatsoever, but in some particular or other, the same is necessarily broken, yea in an *Aristocratie* or popular estate, which vaunts so much of equality and common right, more outrage hath beene committed then in any Christian Monarchy.

Couns. But whence came this hatred betweene the Duke and the King his Nephew.

Just. My Lord, the Dukes constraining the King, when he was young, stucke in the Kings heart, and now the Dukes proud speech to the King when he had rendred *Brest* formerly

merly ingaged to the Duke of Brittain, kindled againe these coales that were not altogether extinguished; for he used these words: *Your Grace ought to put your body in great paine, to winne a strong Hold or Towne by feates of Armes, ere you take upon you to sell or deliver any Towne gotten by the manhood and strong hand and policie of your noble Progenitors.* Whereat, saith the storie, the King changed his countenance, &c. And to say truth, it was a proud and masterly speech of the Duke; besides that, inclusively he taxed him of sloath and cowardize, as if he had never put himselfe to the adventure of winning such a place: undutifull words of a subject doe often take deeper root then the memorie of ill deedes doe: The Duke of Biron found it, when the King had him at advantage. Yea, the late Earle of Essex told Queene Elizabeth, *Humanum est* that her conditions was as crooked as her carkas: but it cost *errare.* him his Head, which his Insurrection had not cost him; but for that speech: *Who will say unto a King (saith Job) thou art wicked?* Certainly, it is the same thing to say unto a Lady, Thou art crooked (and perchance more) as to say unto a King, that he is wicked, and to say that he is a Coward, or to use any other words of disgrace, it is one and the same errour.

COIN. But what say you for *Arundel*, a brave and valiant man, who had the Kings Pardon of his contempt during his minoritie.

JUST. My good Lord, the Parliament which you say disputes the Kings Prerogative, did quite contrary, & destroyed the Kings Charter and Pardon formerly given to *Arundel*. And my good Lord, doe you remember, that at the Parliament that wrought wonders, when these Lords compounded that Parliament, as the King did this, they were so merciflesse towards all that they thought their enemies, as the Earle of *Arundel* most insolently suffered the Queene to kneele unto him three houres for the saving of one of her servants: and that scorn of his *manebat alto mente repositum*. And to say the truth, it is more barbarous and unpardonable then any act that ever he did, to permit the Wife of his Sovereigne to

kneele to him, being the Kings vassalle. For if he had saved the Lords servant freely at her first request, as it is like enough that the Qu: would also have saved him, *Miseris succurrens paria obvinebis aliquando.* For your Lordship sees that the Earle of Warwicke, who was as farre in the treason as any of the rest, was pardoned. It was also at this Parliament that the Duke of Hereford accused *Mowbray* Duke of Norfolk, and that the Duke of Hereford, sonne to the Duke of Lancaster, was banished, to the Kings confusion, as your Lordship well knowes.

COUNS. I know it well, and God knowes that the K. had then a silly and weake Counsell about him, that perswaded him to banish a Prince of the blood, a most valiant man, and the best beloved of the people in generall of any man living, especially considering that the K. gave every day more then other offence to his subjects. For besides that he fined the inhabitants that assisted the Lords in his Minoritie of the 17 shires, which offence he had long before pardoned, his blank Charters, and letting the Realme to farme to meane persons, by whom he was wholly advised, increased the peoples hatred towards the present government.

JUST. You say well my L. Princes of an ill destiny doe alwayes follow the worst counsell, or at least imbrace the best after opportunitie is lost, *Qui consilia non ex suo corde sed alienis viribus colligunt, non animo sed auribus cogitant.* And this was not the least grieffe of the subject in generall, that those men had the greatest part of the spoile of the cōmonwealth, which neither by vertue, valour or counsell could adde any thing unto it: *Nihil est sordidus, nihil crudelius* (saith *Anto: Pius* quā si Remp. ij. arode, qui nihil in eam suo labore conferent.

COUNS. Indee the letting to farme the Realme was very grievous to the subject.

JUST. Will your Lordship pardon me, if I tell you that the letting to farme of his Majesties Customes (the greatest Revenue of the Realme) is not very pleasing.

COUNS. And why I pray you, doth not the K. thereby raise his profits every third yeare, and one farmer out-bids another, to the Kings advantage.

JUST.

JUST. It is true my Lord, but it grieves the Subject to pay custome to the Subject, for what mightie men are those Farmers become: and if those Farmers get many thousands every year, as the world knowes they doe, why should they not now (being men of infinite wealth) declare unto the King upon oath, what they have gained, and henceforth become the Kings Collectors of his Custome? Did not Queenē *Elizabeth*, who was reputed both a wise and just Princeesse, after shee had brought *Customer Smith* from 14000 l. a year to 42000 l. a year, made him lay downe a recompence for that which he had gotten? And if these Farmers doe give no recompence, let them yet present the King with the truth of their receivings and profits. But my Lord for conclusion, after *Bullingbrooke* arriving in *England* with a small troupe; notwithstanding the King at his landing out of *Ireland*, had a sufficient and willing armie; yet he wanting courage to defend his right, gave leave to all his souldiers to depart, and put himselfe into his hands that cast him into his grave.

COUNS. Yet you see, he was depos'd by Parliament.

JUST. As well may your Lordship say he was knockt in the head by Parliament; for your Lordship knowes, that if King *Richard* had ever escaped out of their fingers, that depos'd him, the next Parliament would have made all the deposees traytors and rebels, and that justly. In which Parliament, or rather unlawfull assembly, there appeared but one honest man, to wit, the B. of *Carlisle*, who scorned his life and estate, in respect of right and his allegiance, and defended the right of his Sovereigne Lo: against the K. elect and his partakers.

COUNS. Well, I pray goe on with the Parliaments held in the time of his successor *Henry* the fourth.

JUST. This King had in his third yeare a Subsidie, and in his fifth a Tenth of the Clergie, without a Parliament: In his sixth yeare he had so great a Subsidie, as the House required there might be no record thereof left to posteritie, for the House gave him 20 s. of every Knights Fee, and of every 20 l. land 20 s. and 12 d. the pound of goods.

COUNS. Yea, in the end of this yere, the Parliament prest the

King to annex unto the Crowne all temporall possessions belonging to Church-men within the Land, which at that time was the third Part of all *England*. But the Bishops made friends, and in the end saved their estates.

JUST. By this you see, my Lord, that *Cromwell* was not the first that thought on such a businesse. And if King *Henry* the 8<sup>th</sup> had reserved the Abbeyes, and other Church lands, which he had given at that time, the Revenue of the Crowne of *England* had exceeded the Revenue of the Crowne of *Spain*, with both the *Indies*; whereas used as it was, (a little enriched the Crowne) served but to make a number of petty-foggers, and other gentlemen.

COUNS. But what had the King in stead of this great Revenue?

JUST. He had a 15<sup>th</sup> of the Commons, and a Tenth and a halfe of the Clergie; and withall, all pensions granted by King *Edward* and King *Richard*, were made void. It was also moved, that all Crowne Lands formerly given (at least given by *K. Ed.* and *K. Rich.*) should be taken back.

COUNS. What thinke you of that, Sir? Would it not have beene a dishonour to the King? And would not his Successors have done the like to those that the King had advanced?

JUST. I cannot answer your Lordship, but by distinguishing: for where the Kings had given Land for services, and had not beene over-reached in his gifts, there it had beene a dishonour to the King, to have made void the Grants of his predecessors, or his Grants; but all those Grants of the Kings wherein they were deceived, the very custome and policie of *England* makes them void at this day.

COUNS. How meane you that? for his Majestie hath given a great deale of Land among us since he came into *England*, and would it stand with the Kings honour to take it from us againe?

JUST. Yea, my Lord, very well with the Kings honour, if your Lordship, or any Lord else, have under the name of 100 l. land a yeare, gotten 500 l. land, and so after that rate.

COUNS.

COUNS. I will never beleeye that his Majesty will ever doe any such thing.

JUST. And I beleeye as your Lordship doth, but we spake e're-while of those that dissuaded the King from calling it a Parliament : And your Lordship asked me the reason, why any man should dissuade it, or feare it, to which, this place gives me an opportunity to make your Lordship an answer, for though his Majesty will of himselfe never question those grants, yet when the Commons shall make humble petition to the King in Parliament, that it will please his Majesty to assist them in his reliefe, with that which ought to be his owne, which, if it will please his Majesty to yeeld unto, the house will most willingly furnish and supply the rest, with what grace can his Majesty deny that honest suite of theirs, the like having beene done in many Kings times before ? This proceeding, my good Lord, may perchance prove all your phraeses of the Kings honour, false *English*.

COUNS. But this cannot concern many, and for my selfe, I am sure it concernes me little.

JUST. It is true my Lord, and there are not many that dissuade his Majesty from a Parliament.

COUNS. But they are great ones, a few of which will serve the turne well enough.

JUST. But my Lord, be they never so great (as great as Gyants) yet if they dissuade the King from his ready and assured way of his subsistence, they must devise how the K. may be else-where supplied, for they otherwise run into a dangerous fortune.

COUNS. Hold you contented Sir, the King needs no great dissuasion.

JUST. My Lord, learn of me, that there is none of you all, that can pierce the King. It is an essentiall property of a man truly wise, not to open all the boxes of his bosome, even to those that are neereest and dearest unto him, for when a man is discovered to the very bottome, he is after the lesse esteemed. I dare undertake, that when your Lordship hath served the King twice twelve yeares more, you will finde, that his  
Majesty

Majestie hath reserved somewhat beyond all your capacities, his Majesty hath great reason to put off the Parliament, as his last refuge, and in the meane time, to make tryall of all your loves to serve him; for his Majesty hath had good experience, how well you can serve your selves: But when the King findes, that the building of your owne fortunes and factions, hath beene the diligent studies, and the service of his Majesty, but the exercises of your leisures: Hee may then perchance cast himself upon the generall love of his people, of which (I trust) hee shall never be deceived, and leave as many of your Lordships as have pilfered from the Crowne, to their examination.

COUNS. Well Sir, I take no great pleasure in this dispute, goe on I pray.

JUST. In that Kings 5<sup>th</sup>. yeare, hee had also a subsidy, which he got by holding the house together from Easter to Christmas, and would not suffer them to depart. He had also a subsidy in this ninth yeare. In his eleventh year the Commons did again presse the King to take all the temporalities of the Church-men into his hands, which they proved sufficient to maintaine 150. Earles, 1500. Knights, and 6400. Esquires, with a hundred Hospitals, but they not prevailling, gave the King a subsidy.

*Hen. 5.*

As for the notorious Prince, *Henry* the fifth, I find that he had given him in his second yeare 300000. marks, and after that two other subsidies, one in his fifth yeare, another in his ninth, without any disputes.

*Hen. 6.*

In the time of his successour *Henry* the sixth, there were not many subsidies. In his third yeare, he had a subsidy of a Tunnage and Poundage. And here (*saith Iohn Stow*) began those payments, which wee call customes, because the payment was continued, whereas before that time it was granted but for a yeere, two, or three, according to the Kings occasions. Hee had also an ayde and gathering of mony in his fourth yeare, and the like in his tenth yeere, and in his thirteenth yeare a 15<sup>th</sup>. He had also a fifteenth for the conveying  
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of the Queene out of *France* into *England*. In the twenty eighth yeere of that King was the act of Resumption of all honours, townes, Castles, Signieuries, villages, Manors, lands, tenements, rents, reversionis, fees, &c. But because the wages of the Kings servants; were by the strictnesse of the Act also restrained, this Act of Resumption was expounded in the Parliament at *Reading* the 31. yeare of the Kings reigne.

Couns. I perceiue that those Acts of Resumption were ordinary in former times; for King *Stephen* resumed the lands, which in former times hee had given to make friends during the Civill warres. And *Henry* the second resumed all (without exception) which King *Stephen* had not resumed; for although King *Stephen* tooke backe a great deale, yet hee suffered his trustiest servants to enjoy his gift.

Jus r. Yes my Lord, and in after times also; for this was not the last, nor shall be the last, I hope. And judge you my Lord, whether the Parliaments doe not only serve the King, whatsoever is said to the contrary: for as all King *Henry* the 6. gifts and grants were made void by the Duke of *Yorke*, when hee was in possession of the Kingdome by Parliament: So in the time of *K. H.* when *K. Edw.* was beaten out againe, the Parliament of *Westminster* made all his Acts void, made him & all his followers traytors; & gave the King many of their heads & lands. The Parliament of *England* do alwaies serve the King in possession. It serv'd *Rich.* the second to condemne the popular Lords. It serv'd *Bollingbrooke* to depose *Rich.* When *Edw.* the 4. had the Scepter, it made them all beggars that had followed *H.* the 6. And it did the like for *H.* when *Edw.* was driven out. The Parliaments are as the friendship of this world is, which alwayes followeth prosperity. For *K. Edw.* the 4. after that he was possessed of the Crowne, he had in his 13. year a subsidy freely given him: & in the yeare following, hee tooke a benevolence through *England*, which arbitrary taking from the people, serv'd that ambitious traytor the Duke of *Bucks.* After the Kings death was a plausible argument to perswade the multitude,

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that they should not permit (saith Sir *Thomas Moore*) his line to raigne any longer vpon them.

COUNS. Well Sir, what say you to the Parliament of *Richard* the third his time?

JUST. I finde but one, and therein he made diuerse good Laws. For *K. Henry* the seventh in the beginning of his third yeare he had by Parliament an ayde granted vnto him, towards the reliefe of the Duke of *Brittaine*, then assailed by the *French King*. And although the King did not enter into the warre, but by the advice of the three estates, who did willingly contribute: Yet those Northern men which loued *Richard* the third, raised rebellion under colour of the mony impos'd, & murdered the Earle of *Northumberland* whom the King employd in that Collection. By which your Lordship sees, that it hath not bene for taxes and impositions alone, that the ill disposed have taken Armes: but even for those payments which have bene appoynted by Parliament.

COUNS. And what became of those Rebels?

JUST. They were fairely hang'd, and the mony levied notwithstanding, in the Kings first yeare he gathered a marvailous great masse of mony, by a benevolence, taking patterne by this kind of leuie from *Edw. 4<sup>th</sup>*. But the King caused it first to be moved in Parliament, where it was allowed, because the poorer sort were therein spared. Yet it is true, that the King vsed some arte, for in his Letters he declared that hee would measure every mans affections by his gifts. In the thirteenth yeare hee had also a subsidy, wherevpon the Cornish men tooke Armes, as the Northern men of the Bishopricke had done in the third yeare of the King.

COUNS. It is without example, that ever the people have rebelled for any thing granted by Parliament, save in this Kings dayes.

JUST. Your Lordship must consider, that he was not overmuch belov'd; for he tooke many advantages vpon the people and the Nobility both.

COUNS.

COUNS. And I pray you what say they now of the new impositions lately laid by the Kings Majesty? doe they say that they are justly or unjustly laid?

JUST. To impose upon all things brought into the Kingdome is very ancient: which imposing when it hath bene continued a certaine time, is then called Customs, because the subjects are accustomed to pay it, and yet the great taxe upon wine is still called Impost, because it was imposed after the ordinary rate of payment had lasted many yeares. But we doe now a dayes understand those things to bee impositions, which are raised by the command of Princes, without the advice of the Common-wealth, though (as I take it) much of that which is now called custome, was at the first imposed by Prerogative royall: Now whether it be time or consent that makes them just, I cannot define, were they just because new, and not justified yet by time, or unjust because they want a generall consent: yet is this rule of *Aristotle* verified in respect of his Majesty: *Minus timent homines injustum pati a principe quem cultorem Dei putant.* Yea my Lord, they are also the more willingly borne, because all the world knowes they are no new Invention of the Kings. And if those that advised his Majesty to impose them, had raised his lands (as it was offered them) to 20000<sup>l</sup>. more then it was, and his wards to as much as aforesaid, they had done him farre more acceptable service. But they had their owne ends in refusing the one, and accepting the other. If the land had bene raised, they could not have selected the best of it for themselves: if the impositions had not been laid, some of them could not have their filkes, others peeces in farme, which indeed grieved the subject tenne times more then that which his Majesty enjoyeth. But certainly they made a great advantage that were the advisers, for if any tumult had followed his Majesty, ready way had bene to have delivered them over to the people.

COUNS. But thinke you that the King would have delivered them if any troubles had followed?

**JUST.** I know not my Lord, it was *Machiavels* counsell to *Cesar Borgia* to doe it, and *K. H.* the 8. delivered up *Empson* and *Dudley*, yea the same King, when the great Cardinall *Woolsey*, who governed the King and all his estate, had (by requiring the sixth part of every mans goods for the King) raised a rebellion: the King I say disavowed him absolutely, that had not the Dukes of *Norfolke* and *Suffolke* appeased the people, the Cardinall had sung no more Masse: for these are the words of our Story: The King then came to *Westminster* to the Cardinals Palace, and assembled there a great Councell, in which he protested, that *his minde was never to aske any thing of his Commons, which might sound to the breach of his Lawes.* Wherefore hee then willed them to know by whose meanes they were so strictly given forth. Now my Lord, how the Cardinall would have shifted himselfe, by saying, *I had the opinion of the Judges,* had not the rebellion beene appeas'd, I greatly doubt.

**COUNS.** But good Sir, yon blanch my question, and answer mee by examples. I aske you whether or no in any such tumult, the people pretending against any one or two great Officers, the King should deliver them, or defend them?

**JUST.** My good Lord, the people have not staid for the Kings delivery, neither in *England* nor in *France*. Your Lordship knowes how the Chauncellour, Treasurer, and Chiefe Justice, with many others at severall times have been used by the Rebels: And the Marshals, Constables, and Treasurers in *France*, have been cut in pieces in *Charles* the sixth his time. Now to your Lordships question, I say that where any man shall give a King perillous advice, as may either cause a rebellion, or draw the peoples love from the King, I say, that a King shalbe advised to banish him. But if the King doe absolutely command his servant to doe any thing displeasing to the Common-wealth, and to his own peril, there is the King bound in honour to defend him. But my good Lord for conclusion, there is no man in *England* that will lay any

any invention either grievous or against Law upon the Kings Majesty: And therefore your Lordships must share it amongst you.

COUNS. For my part, I had no hand in it, (I thinke) *Ingram* was he that propounded it to the Treasurer.

JUST. Alas my good Lord every poore wayter in the Custome-house, or every promoter might have done it; there is no invention in these things. To lay impositions and sell the Kings lands, are poore and common devices. It is true that *Ingram* and his fellowes are odious men, and therefore his Majesty pleas'd the people greatly to put him from the Coffer-ship. It is better for a Prince to use such a kinde of men, then to countenance them; hang-men are necessary in a Common-wealth: yet in the Netherlands, none but a hang-mans sonne will marry a hang-mans daughter. Now my Lord, the last gathering which *Henry* the seventh made, was in his twentieth year, wherein hee had another benevolence both of the Clergy and Laity, a part of which taken of the poorer sort, he ordained by his Testament that it should bee restored. And for King *Henry* the eighth, although hee was left in a most plentiful estate, yet hee wonderfully prest his people with great payments; for in the beginning of his time it was infinite that hee spent in Masking and Tilting, Banqueting and other vanities, before hee was entered into the most consuming expence of the most fond and fruitlesse warre that ever King undertooke. In his fourth year hee had one of the greatest subsidies that ever was granted; for besides two fiftenees and two dismes, hee used *Dauids* Law of Capitation or head-money, and had of every Duke ten markes, of every Earle five pounds, of every Lord foure pounds, of every Knight foure markes, & every man rated at 8. l. in goods, 4. markes, and so after the rate: yea every man that was valued but at 40<sup>s</sup> paid 12<sup>d</sup>. and every man and woman above 15. yeares 4<sup>d</sup>. He had also in his sixth year divers subsidies granted him. In his fourteenth there was a tenth demanded of every mans goods, but it was moderated. In the Parliament following,

the Clergy gave the King the halfe of their spirituall livings for one yeere, & of the Laity there was demanded 800000<sup>l</sup>. which could not be levied in England, but it was a marvelous great gift that the King had given him at that time. In the Kings seventeenth yeare was the Rebellion before spoken of; wherein the King disavowed the Cardinall. In his seventeenth yeare hee had the tenth and fifteenth given by Parliament, which were before that time paid to the Pope. And before that also, the monies that the King borrowed in his fifteenth yeere were forgiven him by Parliament in his seventeenth yeare. In his 35. yeare a subsidy was granted of 4<sup>d</sup>. the pound of every man worth in goods from 20<sup>s</sup>. to 5<sup>l</sup>. from 5<sup>l</sup>. to 10<sup>l</sup>. & upwards of every pound 2<sup>s</sup>. And all strangers, denisons and others doubled this summe, strangers not being inhabitants above 16. yeares, 4<sup>d</sup>. a head. All that had Lands, Fees, and Annuities, from 20. to 5<sup>l</sup>. and so double as they did for goods: And the Clergy gave 6<sup>d</sup>. the pound. In the thirty seventh yeare, a Benevolence was taken, not voluntary, but rated by Commissioners, which because one of the Aldermen refused to pay, he was sent for a soldier into *Scotland*. He had also another great subsidie of six shillings the pound of the Clergy, and two shillings eight pence of the goods of the Laity, and foure shillings the pound upon Lands.

*Edw. 6.*

In the second yeare of *Edward* the sixth, the Parliament gave the King an aide of twelve pence the pound of goods of his natural subjects, and two shillings the pound of strangers, and this to continue for three years, and by the statute of the second and third of *Edward* the sixth, it may appeare, the same Parliament did also give a second ayde, as followeth, ( to wit ) of every Ewe kept in severall pastures, 3<sup>d</sup>. of every Wether kept as aforesaid, 2<sup>d</sup>. of every Sheepe kept in the Common, 1<sup>d</sup>. ob. The House gave the King also 8<sup>d</sup>. the pound of every woollen cloath made for the sale throughout *England* for three yeares. In the third and fourth of the King, by reason of the troublesome gathering of the poly mony upon sheepe, and the taxe upon cloth, this act of subsidy

sidy was repeald, and other reliefe given the King, and in the Kings seaventh yeare hee had a subsidy and two fifteens.

In the first yeare of Queene *Marie*, Tunnage and Poundage were granted. In the second yeare a subsidy was given to King *Philip*, and to the Queene, shee had also a third subsidy in *Annis 4. & 5.* *M. R.*

Now my Lord, for the Parliaments of the late Queenes *Eliz. R.* time, in which there was nothing new, neither head money, nor sheepe money, nor escuage, nor any of these kinds of payments was required, but onely the ordinary subsidies, & those as easily graunted as demanded, I shall not neede to trouble your Lordship with any of them, neither can I informe your Lordship of all the passages and actes which have passed, for they are not extant, nor printed.

COUNS. No, it were but time lost to speake of the latter, and by those that are alreadie remembred, we may iudge of the rest, for those of the greatest importance are publique. But I pray you deale freely with mee, what you thinke would be done for his Maiestie, if hee should call a Parliament at this time, or what would be required at his Maiesties hands?

JUST. The first thing that would be required, would be the same that was required by the Commons in the thirteenth yeare of *H. the 8.* (to wit) that if any man of the commons house should speake more largely, then of duty hee ought to doe, all such offences to be pardoned, and that to be of record.

COUNS. So might every Companion speake of the King what they list.

JUST. No my Lord, the reverence which a Vassall oweth to his Soveraigne, is alwayes intended for every speech, howsoever it must import the good of the King, and his estate, and so long it may bee easily pardoned, otherwise not; for in Queene *Elizabeths* time, who gave freedome of speech in all Parliaments, when *Wentworth* made those  
moti-

motions, that were but supposed dangerous to the Queenes estate, he was imprisoned in the Tower, notwithstanding the priviledge of the house, and there dyed.

COUNS. What say you to the *Scieilian vespers* remembered in the last Parliament?

JUST. I say, hee repented him heartily that used that speech, and indeede besides that, it was seditious, this example held not: The *French* in *Scicily* usurped that Kingdome, they kept neither law nor faith, they tooke away the inheritance of the Inhabitants, they tooke from them their wives, and ravished their daughters, committing all other insolencies that could bee imagined. The Kings Majesty is the Naturall Lord of *England*, his Vassals of *Scotland* obey the English Lawes, if they breake them, they are punished without respect. Yea, his Majesty put one of his Barons to a shamefull death, for being consenting onely to the death of a Common Fencer: And which of these ever did or durst commit any outrage in *England*, but to say the truth, the opinion of packing the last, was the cause of the contention and disorder that happened.

COUNS. Why sir? doe you not think it best to compound a Parliament of the Kings servants and others, that shall in all obey the Kings desires?

JUST. Certainly no, for it hath never succeeded well, neither on the Kings part, nor on the subjects, as by the Parliament before-remembered your Lordship may gather, for from such a composition doe arise all jealousies, and all contentions. It was practized in elder times, to the great trouble of the Kingdome, and to the losse and ruine of many. It was of latter time used by King *Henry* the eighth, but every way to his disadvantage. When the King leaves himselfe to his people, they assure themselves that they are trusted and beloved of their King, and there was never any assembly so barbarous, as not to answer the love and trust of their King. *Henry* the sixth when his estate was in effect utterly overthrowne, and utterly impoverished at  
the



he humble request of his Treasurer made the same knowne to the House, or otherwise; using the Treasurers owde words, *Hee humbly desired the King to take his staffe, that he might save his Wardship.*

COUNS. But you know, they will presently bee in hand with those impositions, which the King hath laid by his own Royall prerogative.

JUST. Perchance not my Lord, but rather with those impositions that have beene by some of your Lordships laid upon the King, which did not some of your Lordships feare more then you doe the impositions laid upon the Subjects, you would never dissuade his Majesty from a Parliament: For no man doubted, but that his Majestie was advised to lay those impositions by his Councell; and for particular things on which they were laid, the advice came from petty fellows (though now great ones) belonging to the Custom-house. Now my Lord, what prejudice hath his Majestie (his revenue being kept up) if the impositions that were laid by the advice of a few, be in Parliament laid by the generall Councell of the Kingdome, which takes off all grudging and complaint.

COUNS. Yes Sir, but that which is done by the King, with the advice of his private or privie Councell, is done by the Kings absolute power.

JUST. And by whose power is it done in Parliament, but by the Kings absolute power? mistake it not my Lord: The 3. estates doe but advise, as the privy Councell doth, which advice if the King embrace, it becomes the Kings owne act in the one, & the Kings law in the other, for without the Kings acceptation, both the publike and private advices bee but as empty egge-shells; and what doth his Majesty loose if some of those things, which concerns the poorer sort be made free again, & the revenue kept up upō that which is superfluous? Is it a losse to the K. to be beloved of the Commons? if it be revenue which the King seekes, is it not better to take it of those that laugh, than of those that cry? Yea, if all be content to pay upon a moderation and change of the Species:

Is it not more honorable & more safe for the King, that the Subject pay by perswasion, then to have them constrayned? If they be contented to whip themselves for the King, were it not better to give them their Rod into their owne hands, then to commit them to the executioner? Certainly, it is farre more happie for a Sovereign Prince, that a Subject open his Purse willingly, then that the same be opened by violence. Besides that, when impositions are layd by Parliament, they are gathered by the authoritie of the Law, which (as afore-said) rejecteth all complaints, and stoppeth every mutinous mouth: It shall ever be my prayer, that the King embrace the Councell of honor and safetie, and let other Princes embrace that of force.

Couns. But good Sir, it is his Prerogative which the King stands upon, and it is the Prerogative of the Kings, that the Parliaments doe all diminish?

JUST. If your Lordship would pardon me, I would say then, that your Lordships objection against Parliaments is ridiculous. In former Parliaments, three things have beene supposed dishonour of the King. The first, that the Subjects have conditioned with the King, when the King hath needed them, to have the great Charter confirmed: The second, that the Estates have made Treasurers for the necessarie and profitable disbursing of those summes by them given, to the end, that the Kings, to whom they were given, should expend them for their owne defence, and for the defence of the Common-wealth: The third, that these have prest the King to discharge some great Officers of the Crowne, and to elect others. As touching the first, my Lord, I would faine learne what disadvantage the Kings of this Land have had, by confirming the great Charter; the breach of which, have served onely men of your Lordships ranke, to assist their owne passions, and to punish and imprison at their owne discretion the Kings poore Subjects. Concerning their private hatred, with the colour of the Kings service, for the Kings Majesty takes no mans inheritance (as I have said before) nor any

any mans life, but by the Law of the Land, according to the Charter. Neither doth his Majestie imprison any man. (matter of practice, which concernes the preservation of his estate excepted) but by the Law of the Land. And yet he useth his Prerogative, as all the Kings of *England* have ever used it: for the supreme reason causeth to practice many things without the advice of the Law. As in Insurrections and Rebellions, it useth the Marshall, and not the common Law, without any breach of the Charter, the intent of the Charter considered truly. Neither hath any Subject made complaint, or beene grieved, in that the Kings of this Land, for their owne safeties, and preservation of their estates, have used their Prerogatives, the great Ensigne, on which there is written *soli Deo*. And, my good Lord, was not *Buckingham* in *England*, and *Byron* in *France* condemned, their Peeres uncall'd? And withall, was not *Byron* utterly (contrary to the customes and priviledges of the *French*) denied an Advocate, to assist his defence? for where Lawes fore-cast cannot provide remedies for future dangers, Princes are forced to assist themselves by their *Prerogatives*. But that which hath been ever grievous, and the cause of many troubles very dangerous, is, that your Lordships abusing the reasons of State, doe punish and imprison the Kings Subjects at your pleasure. It is you, my Lords, that when Subjects have sometimes need of the Kings Prerogative, doe then use the strength of the Law, and when they require the Law, you afflict them with the Prerogative, and tread the great Charter (which hath beene confirmed by 16. Acts of Parliament) under your feet, as a torne Parchment or wast Paper.

COUNS. Good Sir, which of us doe in this sort breake the great Charter? Perchance you meane, that we have advised the King to lay the new impositions.

JUST. No, my Lord, there is nothing in the great Charter against impositions: and besides that, necessitie doth perfwade them. And if necessitie doe in somewhat excuse a private man *a fortiori*, it may then excuse a Prince. Again, the

Kings Majestie hath profit and increase of Revenüe by the impositions. But there are of your Lordships (contrarie to the direct Letter of the Charter) that imprison the Kings subjects, and denie them the benefit of the Law, to the Kings disprofit. And what doe you otherwise thereby (if the impositions be in any sort grievous) but *Renovare dolores*? and withall digge out of the dust the long-buried memorie of the subjects former intentions with their Kings.

COUNS. What meane you by that?

JUST. I will tell your Lordship when I dare: in the meane time it is enough for me, to put your Lordship in mind, that all the estates in the world; in the offence of the people, have either had profit or necessitie to perswade them to adventure it; of which, if neither be urgent, and yet the subject exceedingly grieved, your Lordship may conjecture, that the House will be humble suitors for a redresse. And if it be a Maxime in policie, to please the people in all things indifferent, and never suffer them to be beaten, but for the Kings benefit, (for there are no blowes forgotten with the smart but those) then I say to make them vassals to vassals, is but to batter downe those mastering buildings, erected by King *Henry* the seventh, and fortified by his Sonne; by which the people and Gentlemen of *England* were brought to depend upon the King alone. Yea, my good Lord, our late deare Sovereigne kept them up, and to their advantage, as well repaired as ever Prince did; *Defend me, and spend me*, saith the *Irish* Churle.

Q. E.

COUNS. Then you thinke, that this violent breach of the Charter will be the cause of seeking the confirmation of it in the next Parliament, which otherwise could never have been moved.

JUST. I know not my good Lord, perchance not; for if the House presse the King to graunt unto them all that is theirs by the Law, they cannot (in justice) refuse the King all that is his by the Law. And where will be the issue of such a contention? I dare not divine, but sure I am  
that

that it will tend to the prejudice both of the K. and Subject.

COUN. If they dispute not their owne liberties, why should they then dispute the Kings liberties, which we call his Prerogative.

JUST. Among so many and so diverse spirits, no man can fore-tell what may be propounded; but howsoever, if the matter be not slightly handled on the Kings behalfe, these disputes will soone dissolve: for the King hath so little need of his Prerogative, and so great advantage by the Lawes, as the feare of impairing the one, to wit, the Prerogative, is so impossible, and the burthen of the other (to wit) the Law so weightie, as but by a branch of the Kings Prerogative, namely, of his remission & pardon, the subject is no way able to undergoe it. This, my Lord, is no matter of flourish that I have said, but it is the truth, and unanswerable.

COUNS. But to execute the Lawes very severely, would be very grievous.

JUST. Why, my Lord, are the Lawes grievous which our selves have required of our Kings? And are the Prerogatives also which our Kings have reserved to themselves, also grievous? How can such a people then be well pleased? And if your Lordship confesse that the Lawes give too much, why does your Lordship urge the Prerogative, that gives more? Nay, I will be bold to say it, that except the Lawes were better observed, the Prerogative of a religious Prince hath manifold lesse perils then the Letter of the Law hath. Now, my Lord, for the second and third, to wit, for the appointing of Treasurers, and removing of Counsellors, our Kings have evermore laught them to scorn that have prest either of these, and after the Parliament dissolved, tooke the Money of the Treasurers of the Parliament, and recalled and restored the officers discharged, or else they have beene contented, that some such persons should be removed at the request of the whole kingdome, which they themselves out of their noble natures would not seeme willing to remove.

COUNS. Well Sir, would you notwithstanding all these arguments, advise his Majestie to call a Parliament?

**JUST.** It belongs to your Lordships, who enjoy the Kings favour, and are chosen for your able wisdom to advise the K. It were a strange boldness in a poore and private person, to advise Kings, attended with so understanding a Councell. But belike your Lordships have conceived some other way, how money may be gotten otherwise. If any trouble should happen, your Lordship knowes, that then there were nothing so dangerous for a King, as to be without money: a Parliament cannot assemble in haste, but present dangers require hastie remedies. It will be no time then to discontent the subjects, by using any unordinarie wayes.

**COUNS.** Well Sir, all this notwithstanding, we dare not advise the King to call a Parliament; for if it should succeed ill, we that advise, should fall into the Kings disgrace. And if the King be driven into any extremitie, we can say to the K. That because we found it extremely unpleasing to his Majestie to heare of a Parliament, we thought it no good manners to make such a motion.

**JUST.** My Lord, to the first let me tell you, that there was never any just Prince that hath taken any advantage of the successe of Councels, which have beene founded on reason. To feare that, were to feare the losse of the Bell more then the losse of the Steeple, and were also the way to beat all men from the studies of the Kings service. But for the second, where you say you can excuse your selves upon the Kings owne protesting against a Parliament, the King upon better consideration may encounter that fineness of yours.

**COUNS.** How I pray you?

**JUST.** Even by declaring himselfe to be indifferent, by calling your Lordships together, and by delivering unto you, that he heares how his loving subjects in generall are willing to supply him, if it please him to call a Parliament; for that was the common answer to all the Sheriffes in *England*, when the late benevolence was commanded. In which respect, and because you come short in all your projects, and because it is a thing most dangerous for a King to be without Treasure, he requires such of you, as either mislike, or rather

ther fear a Parliament, to set down your reasons in writing, for which you either misliked, or feared it. And such as wish and desire it, to set downe answers to your objections : And so shall the King prevent the calling or not calling on his Majestie, as some of your great Counsellors have done in many other things, shrinking up their shoulders, and saying, The K. will have it so.

COUNS. Well Sir, it growes late, and I will bid you farewell ; only you shall take well with you this advice of mine, that in all that you have said against our greatest, those men in the end shalbe your Judges in their owne cause : you that trouble your selfe with reformation, are like to be well rewarded ; for hereof you may assure your selfe, that we will never allow of any invention, how profitable soever, unlesse it proceed, or seeme to proceed from our selves.

JUST. If then, my Lord, we may presume to say that Princes may be unhappy in any thing, certainly they are unhappy in nothing more then in suffering themselves to be so inclosed. Againe, if we may beleieve *Pliny*, who tells us, that 'tis an ill signe of prosperity in any kingdome or State, where such as deserve well, find no other recompence then the contentment of their owne consciences ; a farre worse signe is it, where the justly accused shall take revenge of the just accuser. But, my good Lord, there is this hope remaining, that seeing he hath beene abused by them he trusted most, he will not for the future so dishonour his judgement ( so well informed by his owne experience ) as to expose such of his vassals ( as have had no other motives to serve him, then simply the love of his Person and his Estate ) to their revenge, who have onely beene moved by the love of their owne fortunes, and their glory.

COUNS. But good Sir, the King hath not beene deceived by all.

JUST. No, my Lord, neither have all beene trusted, neither doth the world accuse all ; but beleieve, that there be among your Lordships very just and worthy men, as well of the Nobilitie as others, but those though most honoured in the  
Common.

Common-wealth, yet have they not beene most imployed your Lordship knowes it well enough, that 3. or 4. of your Lordships have thought your hands strong enough to beare up alone the weightiest affaires in the Common-wealth, and strong enough, all the land have found them to beate downe whom they pleased.

COUNS. I understand you, but how shall it appeare that they have onely sought themselves.

JUST. There needes no prospective glasse to discern it, for neither in the treaties of peace and warre, in matters of revenue, and matters of trade, any thing hath happened either of love or of judgement. No my Lord, there is not any one action of theirs eminent, great or small, the greatnesse of themselves onely excepted.

COUNS. It is all one, your papers can neither answer nor reply, we can. Besides you tell the King no newes in delivering these complaints, for he knowes as much as can be told him.

JUST. For the first my Lord, whereas hee hath once the reasons of things delivered him, your Lordships shall neede to be well advised, in their answers there is no sophistrie wil serve the turn, where the Judge, & the understanding are both supreme. For the 2<sup>d</sup>, to say that his Majesty knowes, & cares not, that my Lord were but to despaire all his faithfull subjects. But by your favour my Lord, we see it is contrary, wee finde now that there is no such singular power as there hath beene, justice is described with a ballance in her hand, holding it even, and it hangs as even now as ever it did in any Kings daies, for singular authority begets but generall oppression.

COUNS. Howsoever it be, that's nothing to you, that have no interest in the Kings favor, nor perchance in his opinion, & concerning such a one, the misliking, or but misconceiving of any one hard word, phrase, or sentence, will give argumēt to the K. either to cōdemn or reject the whole discourse. And howsoever his M<sup>ty</sup> may neglect your informations, you may be sure that others (at whom you point) wil not neglect their



their revenges, you will therefore confesse it (when it is too late) that you are exceeding sorry that you have not followed my advice. Remember Cardinall *Woolsey*, who lost all men for the Kings service, and when their malice (whom he grieved) had out-lived the Kings affection, you know what became of him as well as I.

Just. Yea, my Lord, I know it well, that malice hath a longer life then either love or thankfulnesse hath: for as we alwayes take more care to put off paine, then to enjoy pleasure, because the one hath no intermission, and with the other we are often satisfied; so it is in the smart of injurie and the memorie of good turnes: *Wrongs are written in Marble, Benefits are (sometimes) acknowledged, rarely requited.* But, my Lord, we shall doe the K. great wrong, to judge him by common rules, or ordinarie examples: for seeing his Majestie hath greatly enriched and advanced those that have but pretended his service, no man needes to doubt of his goodnesse towards those that shal performe any thing worthy reward. Nay, the not taking knowledge of those of his owne vassals that have done him wrong, is more to be lamented then the relinquishing of those that doe him right, is to be suspected. I am therefore, my good L. held to my resolution by these 2, besides the former. The 1. that God would never have blest him with so many years, and in so many actions, yea in all his actions, had hee paid his honest servants with evill for good. The 2. where your Lordship tells me, that I will be sorry for not following your advice. I pray your Lordship to beleve, that I am no way subject to the common sorrowing of worldly men, this *Maxime of Plato* being true, *Dolores omnes ex amore animi erga corpus nascuntur.* But for my body, my minde values it at nothing.

Couns. What is it then you hope for or seeke?

Just. Neither riches, nor honour, nor thanks, but I onely seeke to satisfie his Majesty (which I would have beene glad to have done in matters of more importance) that *I have liv'd, and will dye an honest man.*

FINIS.



The Authors Epitaph, made  
by himfelfe.

**E**ven such is Time, which takes in trust  
Our Youth, and Joyes, and all we have,  
And payes us but with age and dust,  
Which in the darke and silent grave,  
When we have wandred all our wayes,  
Shuts up the story of our dayes :  
And from which Earth, and Grave, and Dust,  
The Lord shall raise me up I trust.



